

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF CAHAWBA, ON THE THIRD
MONDAY IN NOVEMBER, 1825,

BEING THE SEVENTH ANNUAL SESSION

OF THE

GENERAL ASSEMBLY OF SAID STATE.



CAHAWBA:

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

Monday, November 21, 1825.

On Monday, the 21st day of November, in the year of our Lord one thousand eight hundred and twenty-five, the following members of the House of Representatives appeared, were duly qualified, and took their seats, to wit:

From the County of Mobile—Tho's L. Hallett and Willoughby Barton.
Openeuh—Sam'l W. Oliver and Eldridge S. Greening.
Monroe—James Dellett and John W. Moore.
Clarke—John G. Creagh.
Henry—William C. Watson.
Wilcox—John W. Bridges.
Dallas—Walter Crenshaw, Jos. Pickens, & Ja's Saffold.
Perry—George Wessinger and Richard B. Walthall.
Marengo—William Fluker.
Greene—J. H. Sims, Rob't H. Warren, & Ja's C. Neill.
Tuscaloosa—Seth Barton, Richard Inge, John L. Tindall, and Marmaduke Williams.
Bibb—Jonathan Jones.
Montgomery—Nimrod E. Benson, John S. Bailey, and William McLemore.
Shelby—Samuel W. Mardis.
St. Clair—George Shotwell, and Philip Coleman.
Jefferson—John Brown, W. K. Baylor & J. M. Dupuy.
Blount—Marston Mead.
Marion—George White.
Franklin—Peter Martin and James Davis.
Lauderdale—Wm. B. Martin, George Coalter and Jonathan Bailey.
Limestone—Waddy Tate, Quin Morton, Wm. Edmondson and Joshua L. Martin.
Lawrence—John P. Hickman, Joseph Coe, and Thomas Coopwood.
Morgan—Melcajah Vaughan and Stephen Heard.
Autauga—Robert Broadnax and John McNeill.
Pike—Philip Fitzpatrick.
Washington—Ptolemy Harris.
Butler—Nathan Cook.
Pickens—Bowley Conner.
Baldwin—Edward J. Lambert.
Jackson—Philip H. Ambrister, Charles Lewis, John Baxter and Daniel Peyton.
Madison—Wm. Kelly, (Speaker,) John Vining, Henry King, Harry I. Thornton & Wm. Brandon.

The House then proceeded to the election of a Speaker, and the election being conducted *viva voce*, William Kelly, one of the members from Madison County, was duly elected, conducted to the Chair, and made his acknowledgments to the House for the honor conferred, and entered on the discharge of his duties.

The House then proceeded to the election of principal clerk, whereupon Thomas B. Tunstall was duly elected, was qualified, and entered on the discharge of his duties.

The House then proceeded to the election of a door-keeper, whereupon James Brown was duly elected.

The House then proceeded to the election of an assistant clerk, whereupon Rufus K. Anderson was duly elected.

The House then proceeded to the election of an engrossing clerk, whereupon William B. McClellan was duly elected.

The House adjourned 'till to-morrow morning, 9 o'clock.

Tuesday, November 22.

On motion of Mr. Morton, resolved, that a committee be appointed to wait on the Senate, informing them that the Representative branch of the Legislature is now organized; that they have elected the Hon. Wm. Kelly, Speaker; Thomas B. Tunstall, principal clerk; Rufus K. Anderson, assistant clerk; Wm. B. McClellan, engrossing clerk; and James Brown, door-keeper—and that they are ready to proceed to business: Whereupon, Messrs. Benson and Morton were appointed said committee.

Message from the Senate by Mr. Crabb: Mr. Speaker, I am instructed by the Senate to inform your honorable body, that they have assembled, and elected Nicholas Davis, of Limestone, their President; Francis S. Lyon, their Secretary; George W. Crabb, assistant clerk, and James A. Bates, door-keeper; and are now ready to proceed to business.

A message from the Senate by Mr. Lyon, their Secretary: Mr. Speaker, I am instructed by the Senate to inform your honorable body, that they have adopted the following resolution, in which they desire your concurrence: *Resolved*, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor, and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication he may please to make. They have appointed on their part, Messrs. Casey, and Jackson of Lauderdale. In which resolution the House concurred; whereupon, Messrs. Vining, and Martin of Limestone, were appointed said committee.

The Speaker laid before the House the memorial of James G. Lyon, praying to be admitted a seat in this House, as the Representative of Washington County; which said memorial, with the accompanying documents, was referred to the Committee on Privileges and Elections, consisting of Messrs. Williams, Greening, Mardis, Walthall and Brandon.

On the motion of Mr. Vining, *Resolved*, That a committee of two persons be appointed, on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on His Excellency the Governor, informing him that the two Houses of the

General Assembly are now organized, and ready to receive any communication he may please to make; whereupon Messrs. Vining, and Martin of Limestone, were appointed said committee.

On the motion of Mr. Morton, *Resolved*, That the following standing committees be appointed, to wit:

A Committee on Privileges and Elections:

- on Propositions and Grievances;
- on Enrolled Bills;
- on Inland Navigation;
- on Roads, Bridges, and Ferries;
- on Ways and Means;
- on the Military;
- on the Judiciary;
- on County Boundaries;
- on Schools, Colleges, and Universities, and School and University Lands;
- on Accounts;
- on Divorce and Alimony;
- on the State Bank.

Mr. Greening presented the petition of Thomas C. Lovett and Polly Bell, administrators of John Bell, deceased, praying the passage of a law, authorizing them to convey certain real estate therein named, which was read and referred to a select committee, consisting of Messrs. Greening, Davis and Tate, with leave to report by bill or otherwise.

Mr. Morton presented the petition of Jacob Johnson, of the county of Madison, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to a select committee, consisting of Messrs. Morton, Baylor, and Fitzpatrick.

Mr. Tate presented the petition of sundry citizens residing in the town of Mooresville, in the county of Limestone, praying the passage of a law to incorporate them as a militia company, to be styled the Independent Blues, which was read and referred to the military committee.

Mr. Baylor presented the petition of sundry inhabitants of Walker county, praying the passage of a law for the removal of the seat of justice of said county, which was read and referred to a select committee, consisting of Messrs. Baylor, Martin of Lauderdale, and Inge.

On the motion of Mr. Creagh, *Resolved*, That the rules of order and decorum of the last session, be the rules of the present session; and that eighty copies of the rules be printed for the use of this House.

Mr. Vining, and Mr. Martin of Limestone, the committee appointed on the part of this House, to act with the committee appointed on the part of the Senate, to wait on His Excellency the Governor, and inform him that the two Houses of the General Assembly are now organized and ready to receive any communication which His Excellency may please to make, have performed that duty, and received for answer, that he will make a communication in writing, this day, at twelve o'clock. The House adjourned till twelve o'clock.

Evening Session.—A message was received from the Governor, by Mr. Thornton, Secretary of State, which he handed in at the Speaker's table, and then withdrew. The said communication was in writing, and is as follows;

EXECUTIVE DEPARTMENT, }

Cahawba, November 21, 1825. }

Gentlemen of the Senate, and Gentlemen of the House of Representatives,

WE have assembled at a period of peace and of general prosperity, and have enjoyed with one or two local exceptions a season of prevailing good health. In these blessings we have renewed cause of grateful felicitation. It is also our good fortune to commence a session which has been viewed as one of more than ordinary importance, under circumstances which evince the prevalence of a disinterested good feeling. This temper, it will be the mutual wish of all to cultivate, whose aim is to arrive at correct conclusions in the duties that await us. In entering on these duties it is matter of gratification as well as of advantage to have in full view before us, the laudable examples of other states, progressively improving in their internal communications,—in the arts,—in learning,—in their judicial codes,—and retaining withal an unshaken attachment to our common constitution, the base of all our political hopes.

This attachment is well seconded by the just policy of our national government, and especially by its unceasing manifestations of regard for the rights of the states. While in its wise and liberal management of our external relations, it has at once conciliated foreign confidence and domestic union.

Our state constitution in several of its provisions, has added an unusual degree of interest to the measures of the present session, by reserving until now the power of giving a more permanent impression to some of the essential features of the government. In the course of your deliberations, subjects of this character will necessarily claim a conspicuous notice.

Among these, the filling of the bench of the Circuit Courts under a more durable tenure, and the farther improvement of our judiciary system, are not the least in point of public concernment. By six years of experience, you have all the advantages designed by the constitutional restriction in regard to these powers, and will doubtless execute the trust with all that circumspection due to its acknowledged importance.

The power of establishing a distinct Supreme Court has hitherto been withheld. Whether it will now be expedient to exercise this power, and under what form, are questions of discretion and justly deserving of deliberate consideration.

All must be sensible how essential it is to every interest of society, that the judiciary department should be so constituted as to afford a prompt and adequate administration of justice in all cases that may arise, and according to such form as to obtain full public confidence in its ultimate correctness. In attaining these purposes, the perfection of our Courts of *primary* general jurisdiction, will be an object first in the order of attention; and to its accomplishment it will be necessary to retain at all times on our Circuit bench, men of proper qualifications; and under such regulations in regard to time, that a full and prompt attention may be devoted to every case that may be pending.

This being secured, the number of cases requiring revision will necessarily be circumscribed, and the necessity of a distinct appellate

Court will be the less indispensable. To secure in this service, and at all times, the necessary qualifications, adequate compensation will be requisite. Acquirements in this branch of science can always obtain, and will expect it. What amount will reach this point, within the bounds of a correct economy, will be a matter for your better judgment. According to my own, we have certainly not yet transcended it. Whether sufficient time is now afforded to the Circuit judges, with due industry and attention, to discharge the duties assigned them, is a question which your joint consultations can best enable you to determine.

In this investigation it cannot escape observation, that in some counties the untried causes are accumulating; and that generally, causes in chancery with the exception of injunctions are postponed in the order of business, and much delayed. The existing law by which the Supreme Court is held only once a year, is great inducement to appeal for no other purposes than delay. A portion of these evils, if not all, may be greatly mitigated if not entirely removed by a judicious improvement of our existing judiciary system. This will consist in such increase in the number and compensation of the judges, (if these are found at present insufficient,) as will ensure a satisfactory disposal of all the cases both in law and chancery, at each general term or at a special term then to be appointed and made known; requiring also semi-annual terms of the Supreme Court to be held; and continued until all the cases therein are disposed of.

Other modes may also be devised for improving our judiciary; and which, it is admitted, if our situation were sufficiently matured, might render our system radically more perfect. One of these modes would consist in the establishing of separate courts for the original trial of chancery causes, requiring the judges of the courts of law and of those in chancery to preside as judges of the Supreme Court, sitting together in the trial of appeals from both jurisdictions. Another plan might consist in the establishment of a distinct Supreme Court. These two plans being in some sort contemplated in our constitution, will naturally suggest themselves, if not now, at some future period.

While it must be admitted that cases by appeal would be most satisfactorily determined by a distinct Supreme Court held by well selected judges; yet it is greatly to be apprehended that in our present condition, without extreme caution, this measure would in a greater degree weaken the character and efficiency of the *primary* courts. The advantages of mutual improvement now afforded to the judges of these latter courts by their joint consultations in their capacity of a court of revision, would be withdrawn, with possibly a part of their ambition for excellence. The Circuit Courts being retained in the highest judiciary grade, and attended with corresponding inducements; to them the first qualifications would always be willing to look. By reducing these to a secondary grade, it is to be feared that the highest class of legal abilities would look above them. This objection would indeed have less force at a more advanced period, when a greater redundancy of legal acquirement shall abound. Our present system has one eminent example in its favor, in our supreme federal judiciary; where the utmost confidence prevails both in the original and ultimate decisions.

One of the prominent matters reserved by the constitution for the present session and which will be expected to receive a share of your deliberations, is the permanent location of the Seat of Government.—The law that shall determine this question being specially excepted from acts of legislation requiring the executive sanction, I have regarded the subject as one of peculiar delicacy, and shall leave it where the constitution has intended, to your own uncontrolled judgment.—There is, however, a collateral consideration which I feel it a duty to notice, and which will urge itself upon your attention, by the strongest reasons of public interest. Should it be the will of the legislature to remove the government from its present site, it is not presumed that a definitive act for this purpose shall precipitately be contemplated by any, without adopting the preliminary measures which prudence will suggest for the selection of an eligible position, and for the acquisition of title thereto on behalf of the state. In this it will be considered by every one as desirable, and if reasonably practicable it may also be regarded as a duty, to procure a tract conditionally or otherwise of sufficient extent, whereon to lay out and found an entire metropolis. The plan in that case may be made to conform to the public taste and convenience; with suitable reservations for the numerous objects connected with the seat of government. The surplus territory may be made a most productive resource, applicable to the erection of a suitable capitol and other incidental edifices, and to other public uses: and may to some extent, if not entirely, remunerate the state for the deterioration of public property and of losses incident to removal. It is not designed by this suggestion, nor is it deemed at all necessary to its accomplishment, that any essential advantage of situation should be sacrificed, nor that any other mode should be adopted for the acquisition of title, than that which is perfectly fair and unobjectionable even in the opinion of those who are the most fastidiously delicate of the public dignity. It may indeed be attended with difficulty, to obtain title to sufficient territory within any existing village, without throwing an unjustifiable speculation into the hands of the proprietors; yet it is not known that we are reduced to any such necessity. It will, at least, deserve a reasonable examination before we yield to the conclusion that any one of our infant towns is so extremely eligible that no other position can be found even in the same vicinage embracing the same or equal advantages, and attainable for a fair price. In regard to a measure dictated by the plainest prudence, and in which the whole community have a common interest, it is presumed to be unnecessary to present to you examples in the case of other states. If precedent were necessary you have a sufficiently respectable one in the selection of the site for the metropolis of this nation. The entire ground whereon the federal city is situated was procured from individuals through the medium of commissioners, contemporaneously with, or immediately prior to the definitive location. The situation consisted of private farms in a densely settled country and in the near vicinity of two respectable towns. This has proved to be a resource of considerable and increasing value. It is not discerned wherefore we may not in this comparatively new stage of settlement possess a similar advantage, and lay the foundation of a new city on the ground of the state. The time will be

sufficient for any necessary negotiation, without protracting the session beyond its usual limits.

It is now considered unnecessary to suggest any thing in relation to ulterior measures consequent on the possible removal of the government. These will present themselves to the wisdom, the prudence, and the justice of those on whom this duty shall devolve.

To render the indispensable duties of the session as simple and as much disentangled as possible, with other questions that may improperly be brought into connexion with them, I would respectfully recommend a postponement of the location of the University to a future session.

Connected with this location are many considerations sufficient of themselves to engross much of the time of an ordinary session, some of which must be determined previously, if ever. Although it is my earnest belief that nothing should be done in relation to the further organization or location of this favorite institution at the present; I hope to be indulged in this last occasion I shall have, to offer some views, which may not be unimportant.

Having in my first communication on this subject, suggested the expediency of establishing a department for female instruction, I still retain the hope, that the public countenance may be continued in favor of this object. A small share of the general endowment will be sufficient to patronize a seminary for the education of our daughters in the higher branches of literature and science. And it well comports with the character which we wish our institutions to bear, for liberality and refinement. Since the passage of the act for establishing a female branch, the law of a subsequent session has proposed a subdivision of it, into three seminaries. I have ever doubted the expediency of this subdivision. Too large a portion of the funds must be devoted to these, or neither of them will answer the public wish. Other objections can readily be conceived to the detailing out of the institution into multiplied members, located in different sections of the state.

I have entertained the opinion, and it is confirmed by recent indications of respectable sentiment elsewhere, that the introduction of rural economy, embracing agriculture in its most comprehensive understanding, as an academic study, would be an important object, and the more especially so, if attended with the advantage of practical illustration. It must be expected that the maturity of such a system as may be usefully connected with our literary institutions would be a work requiring time, and would be opposed by some difficulties in the commencement: but when we view this branch either in reference to its practical utility, as the nursing mother of every human pursuit, or in its connexion in theory with philosophy and chemistry, it cannot be considered unworthy of an effort to assign it a place among the departments of science.

This view is suggested without an expectation of any immediate result from it; but with a firm hope, that at some future day it will be successfully realized; and that the improved skill and taste which shall thence be imparted, will contribute, in some degree, to enrich and adorn the face of our country.

The bank of the state commenced its operations on the ninth of March last. You will in due time be furnished with a report of its concerns, which it is unnecessary now to anticipate, further than its connexion with our different public funds may require. To this extent at least the prospects of the institution must be interesting to all. The present capital stock consists of \$253,646 46, of which sum \$56,612 94 1-4 was derived from the university fund, and for which a stock has issued to that institution, agreeably to the second section of the chartering law, bearing six per cent. interest, payable semi-annually. The remaining capital consists of \$31,897 01, of the three per cent. fund, applicable to internal improvement, the sum of \$37,860 49 cts. derived from sales and rents of property in Cahawba. The sum of \$100,000 derived by loan in New-York, and the sum of \$27,576 of the ordinary state revenues, being monies left in the treasury beyond the current public demands. The profits of the institution during the few months of its operations, have paid all the expenses current and permanent since its establishment, and also the two semi-annual instalments on the loan, together with the interest on the university stock, and leaving a balance of profit amounting to \$2,244 46, applicable to the increase of the several public funds of the state. This may be either convertible into capital, or otherwise applied. In future periods the results will necessarily be expected to be more productive. The specie on hand exceeds half the notes in circulation, and the condition of the institution appears otherwise favorable. The monies of the university in the treasury, and in the hands of agents now about to be paid in, will increase the capital from that source to more than \$80,000, and very early in the ensuing year it will exceed \$100,000. No disposition being made by law for further application of the monies of the university; that subject will require attention. From all the other sources, the capital of the state bank may be progressively enlarging during future years. And I retain the fullest confidence that under a faithful guardianship, it may answer all the purposes of its institution.

The establishment of a branch to the Bank of the State will be a question of expediency which the representatives of the people can most correctly determine.

Since the last session the dissolution of the Bank at Huntsville took place according to proclamation. It is now presumed to be acting in observance of the law in closing its concerns. But it is worthy of remark, that there is no existing law by which that institution or any other *individual* bank is required to make exhibits, whereby it can be ascertained whether it may be acting within the provisions of its charter. This point deserves consideration.

In compliance with the legislative resolution, General Lafayette was invited and received in a manner which was deemed to be due as well to the wishes and character of the state, as to our illustrious benefactor, who has been hailed by the whole American people as their common guest. In his extraordinary journey of visit to the several states, his route through this state was of unusual length; commencing at our eastern boundary on Chatahooche, one hundred miles within the Indian country, where he was received by a delegation of citizens and

conducted by a respectable civil and military escort to Montgomery by land, and thence by steam transportation by Cahawba, Claiborne and Mobile to Mobile Point, a distance by land and water estimated at 500 miles. Receiving at all the prominent places, the gratifying salutations of our citizens.

The expenditure in carrying the resolution into effect will appear by the accompanying statement of the Comptroller and Treasurer. The original vouchers on their files will also be exhibited for your examination. Although the amount was not limited by the terms of the resolution it was considered most conformable to the constitution, to be paid from the contingent fund, and according to the usual forms. The sum expended amounts to \$15,715 18, of which sum \$12,713 10 has been paid. The balance may now be paid at the Treasury; the fund is now found to be nearly or entirely sufficient for the purpose beyond all other contingencies chargeable upon it. Exclusive of this a charge has been made for a portion of the expenses of transportation between the limits of this state and Louisiana, amounting to \$1350, the correctness of which is yet to be ascertained.

The line of march was so extended, and the points of reception so remote from each other, and the time of approach so uncertain until it eventuated, the preparation and of course the expenditure was entrusted in some degree to discreet committees of arrangement, at several of the most prominent points; and in part to the commander of the escorts. To the prompt and spirited manner in which all those committees and escorts seconded my wishes after the short notice allowed them, I am much indebted, to the satisfactory accomplishment of the public wishes. It is not proper that I should omit to notice the prompt and gallant manner in which two finely equipped troops of cavalry repaired to Chatahooche; one at the distance of one hundred, the other of two hundred miles, together with several general and other officers; and that these and others concerned in the escort generally, declined any indemnity of their personal expenses.

In our militia laws some defects exist which deserve attention. Such amendments are particularly to be desired as will ensure punctuality in making the annual returns of the military strength and condition; and such also as will encourage the appointment and continuance in office of well qualified commanders. These requisites with such an organization as will ensure promptness in answering requisitions for actual service, will embrace the principal points in which we can expect this great branch of the national force to be perfected by any measures the state can adopt, during a period of peace; when the avocations of business and pleasure interpose so many interruptions, and necessarily produce relaxation in discipline.

A bill had passed both houses at the last session, as appears by their journals, for consolidating the counties of Decatur and Jackson; but which by some oversight was never enrolled by the proper clerks, nor signed by the presiding officers of the two houses, nor presented for the Executive sanction, and of course did not become a law. This was attended with some inconvenience to the counties concerned, in as much as other acts were passed, and certain vacancies left in offices appertaining to Decatur county; all predicated upon the certainty of the

consolidating bill becoming a law. One of these acts was that apportioning the representation, in which Decatur was omitted. The inconvenience so far as the Executive powers extended, by causing the vacant offices to be filled, which were necessary to the re-organization of Decatur county; and by recommending to the people of the two counties, that construction, by which they should vote for representatives and a senator, in the *manner* prescribed by the former apportionment law, but according to the *present ratio*: I am happy in finding that the course advised has accorded with subsequent reflection, and also with the most respected legal opinions.

The provision contained in the revenue law of the last session imposing a tax of four hundred dollars on gaming tables, and requiring them to be licensed, has had the effect of greatly multiplying these nurseries of idleness and dissipation. It is admitted that our prohibitory laws previously in force were but too often evaded among the private haunts of vice, and sometimes by the guilty connivance of those from whom better things should be expected: yet never were the public morals so much insulted as now by the open exhibition of these nuisances among the number of our legal institutions.

A resolution of the legislature of the state of Georgia passed at its last session, in relation to the running of the divisional line between that state and this, is herewith laid before you; together with the Executive correspondence in relation thereto. The accession to both states by the late treaty places this question on a new ground, and will render it mutually an object worthy of attention, whenever the situation of the ceded country and the right of all parties shall appear to permit.

The United States being a party in interest with us, being also invested with constitutional powers in relation to some of the questions connected with the proposed operation, I deemed it proper to bring the subject to the view of the President. The accompanying correspondence with the War department will in addition to the document, before noticed, furnish all the information of which I am now possessed: and it is presumed will leave no difficulty in regard to the course we should pursue.

It is not unexpected that this interest may be the subject of revision by the national inquest, and it cannot be otherwise than a matter of general regret than any cause had been found in relation to it, for public animadversion or for local excitement. The interests appertaining to this state, although altogether *territorial*, is highly appreciated, and much desired, if consistent with the good faith and honor of the nation; these are the only terms on which our citizens wish to accept it.

In relation to the fractional nations of these wretched and deluded people resident within the states on this side of the Mississippi, it is a question well deserving reflection, whether the philanthropy and justice of the nation might not be better reconciled by assuming a parental guardianship over them, and transplanting them in more suitable situations, with more than even-handed justice to them in the exchange, than to exercise the forms of negotiation, which even fair on our part, generally result in fraud and injustice among themselves.

Several communications from other states have been received, and are herewith submitted for your consideration. One of these relates

to our unsettled accounts with the state of Mississippi, in which case a proposition is made for their adjustment by commissioners to be appointed by each.

Another, respects the improvement of the military road, from the state of Louisiana, between Madisonville and Nashville.

A letter is also submitted from the Governor of Tennessee in compliance with resolutions of the legislature of that state, respecting the improvement of the navigation of Tennessee at the Muscle Shoals, and also concerning the opening of a communication between the Tennessee and Alabama waters. The subject is familiar to you, and cannot fail, I am assured, to receive that attention which is due to the general interest it embraces.

Among the documents submitted, you will find the resolutions of the legislatures of several other states, in relation to a proposition heretofore submitted by the Assembly of Ohio, proposing (with the consent of the states concerned,) a plan for emancipation and colonization, with the assistance of the national patronage and resources.

In submitting the original proposition at a former session, it was offered without remark, but with that respect which was required by usual courtesy toward the official act of a fellow member of the same political family. While my feelings strongly impel me now to observe the same course, reluctant to disturb, without urgent necessity, this very difficult and delicate question; I am, at the same time, unwilling to avoid any necessary expression of sentiment that may be called for by prudence or duty.

That this topic has been made a ground of excitement between the opposite ends of the Union, is much to be regretted, not only as unnecessary, but tending to the most dangerous consequences. The further progress of irritation should be checked. Our interests require no such resort. A dispassionate yet firm and dignified consideration of all questions relating to them, will tend the most effectually to gain respect both to ourselves and the cause we espouse. The interests affected by the propositions under consideration are older than the government and are confirmed by all its sanctions. We claim the uncontrolled right of disposing of them ourselves, and would repel any attempt whether insidious or open to dictate in regard to them; yet before we view in this censurable light the official acts of other states, who must be presumed to feel all the force of moral and constitutional obligation, we should have the most irresistible evidence to justify us. No such evidence appearing on a fair interpretation of any of these resolutions; having also the fullest confidence in our national government, that it never will, as it never can touch this subject, without the most delicate and scrupulous regard to our wishes and our rights; these documents are therefore submitted, like all others, for your respectful consideration.

In admitting this respect to those who profess a disinterested concern for the removal of what they consider an evil. We claim from them the common charity of believing that both in its origin and in its continuance we are innocent. They must also admit, that the necessity which tolerates it, and the difficulties which environ the way to its extinction, can best be estimated by the states particularly affected by

it; and that these too can best determine the time and the process. Till that happy era arrives the evil must be endured, but at the same time soothed by mildness and humanity. By examination of our state constitution and our statutes it will be seen how tenderly our laws regard the rights and feelings of this unhappy race. And these laws are so far respected in practice, that in addition to the legal sanctions, public odium always attaches upon their violation.

Those that have entirely or partially succeeded in disengaging themselves from this interest; have done so, not by its extinction, but chiefly by transferring it into the states farther to the south. When these shall feel the same inducements to be divested of it, their situation will deny them the same facilities. When they engage in the beneficent work it must be more radically accomplished:—by an entire abandonment of what constitutes much of their present estates, and by a diminution of the value of the remainder. This will require a degree of disinterestedness which we have not yet seen exemplified. Then indeed will the aid of extensive resources be necessary. Then would the boon now proffered be acceptable. If this be the light in which we are to view it, as presented in the resolutions; subject to our own uncontrolled right of disposing of the matter, then would the motive and the measure be not only without offence, but entitled to all the respect of disinterested beneficence.

I am not able, however, to see in the proposition a plan calculated to better the condition of its intended beneficiaries. The sudden enlargement while in a state of almost untutored barbarism cannot have this effect. To those best acquainted it is most evident, that the subjects of this degraded condition are neither fitted for self government nor for self subsistence. Should the national government at any future propitious moment, see proper to offer a plan, it is hoped that while it is characterized by justice to our citizens, it will also be worthy of the national philanthropy;—That preparatory to the free condition proper nurseries shall be provided for instruction in the necessary branches of industry,—in the arts, and in literature, so far as may be requisite to form useful members of society and government. When such a moment arrives, and such a plan is presented to us, it will then be time to give it a favorable consideration. Such has not yet occurred, and is far beyond my anticipation.

The present appears to be a seasonable occasion for calling your attention to a subject of great national magnitude, and in relation to which you have a constitutional right of participation. The mode of election of the Chief Executive Magistrate has long been a ground of dissatisfaction; and the pervading excitement consequent upon the late contest is confirmatory evidence that the federal constitution requires amendment in this particular.

A uniform mode, and that by a simple submission of the choice of electors to the vote of the people in districts of the smallest extent would correct the evil so far as the first effort is concerned. On failure by the electoral colleges to make a selection, a more simple appeal in the second resort to the people without the intervention of electors, and by submitting to them a limited number of the candidates highest in vote, a plurality in that case being allowed to deter-

mine, would promise, if not the most judicious, at least, the most satisfactory and the best results.

In objecting to the exercise of the power of selection by the House of Representatives, I must be understood distinctly as giving no countenance nor credit to any unworthy allusions to recent events. The exercise of this power alone, however pure, is liable to suspicions and criminations which are reproachful to the nation and to its worthiest public agents.

Appended is a list of Executive appointments to fill vacancies, and which will expire with the present session.

Among the documents is a report of the Agent heretofore appointed to examine and lease the Salt Springs.

Having brought to your view the several subjects which were deemed proper for your consideration, the approaching moment admonishes me that the official relation between us is about to be dissolved. I have now filled the period of public service prescribed by one of the most salutary restrictions of the constitution: and shall withdraw from this honorable station with the most grateful impressions, for the kind and long continued confidence of my fellow citizens. A retrospect of this period will shew that it has been full of duty and not unattended with some difficulties.—The government was taking its early impressions—varying constructions of the new made constitution were to be settled—new institutions to be founded—funds for useful public objects to be realized and improved—the revenue to be organized—public credit to be established—and a wholesome circulation to be maintained. In our newly formed community, mutual confidence, and cordiality of purpose were most of all needed. The only regret I have felt is my fearful incompetency for the duties of such a period. I freely admit that this may have been the source of many errors. I am conscious of no other. Having on all necessary occasions ventured without reserve my full share of responsibility, and that from the impulses of my own judgment, my errors can expect no impunity but in the innocence of my intentions, and in the indulgence of my country. It is however a source of present consolation that from all the imperfections in the Executive administration, a redeeming influence has been found in a virtuous public, and in a judicious course of legislation for a series of years, by which I am enabled to surrender up the trust confided to me, in no worse condition than that in which it was received. If the several objects enumerated have not been realized they are in most promising progress, and with a continuance of the same zeal for the public good, under more approved counsels may be more than consummated in the growth, the improvement and advancing prosperity of our interesting country. That this may be the propitious result of our labors, will be my continued solicitude and my lasting prayers.

ISRAEL PICKENS.

Ordered, That the said message and the accompanying documents be referred to a Committee of the whole House, and made the order of the day for Thursday next; and that five hundred copies be printed for the use of the House.

On motion of Mr. Morton, the following resolution was adopted:

Resolved, That the Senate be invited to assemble in the Representative Hall on Wednesday, at the hour of 3 o'clock, for the purpose

of opening and publishing the several returns of election for Governor; and that the west end of the Hall be assigned for their reception.

Mr. Oliver presented the certificate of Charles Wells and William Grimes, Judges of an election held in the county of Washington which was read, and referred to the committee on privileges and elections. The House adjourned till to-morrow morning 10 o'clock.

Wednesday, November 23, 1825.

In pursuance of an order of the House, Mr. Speaker reported the following Standing Committees, to wit:—

A Committee on Propositions and Grievances—consisting of Messrs Fitzpatrick, Vining, Conner, M'Lemore, Sims, and Weissinger.

A Committee on Enrolled Bills—consisting of Messrs. Heard, Edmondson, and Bridges.

A Committee on Inland Navigation—consisting of Messrs. Tate, Inge, Hickman, Mead, Bailey of Montgomery, Cook, and Lewis.

A Committee on Roads, Bridges, and Ferries—consisting of Messrs. Baylor, Coalter, Moore, Tindall, Vaughan, Baxter and Watson.

A Committee on Ways and Means—consisting of Messrs. Barton of Tuscaloosa, Martin of Franklin, Greening, Benson, Barton of Mobile, Pickens, and Williams.

Military Committee—consisting of Messrs. Greening, Davis, Lambert, Neill, King, Coe, and Dupuy.

On the Judiciary—consisting of Messrs. Dellett, Oliver, Benson, Crenshaw, Martin of Lauderdale, Baylor, and Thornton.

A Committee on County Boundaries—consisting of Messrs. Morton, Broadnax, Coopwood, Blaker, Jones, Shotwell, and Peyton.

A Committee on Schools, Colleges, and Universities, and School and University Lands—consisting of Messrs. Coalter, Barton of Mobile, Creagh, Martin of Limestone, Broadnax, Coleman, and Warren.

A Committee on Accounts—consisting of Messrs. Hallett, Creagh, Vining, Inge, and Walthall.

A Committee on Divorce and Alimony—consisting of Messrs. Mead, Morton, Weissinger, McNeill, White, Armbrister, and Bailey of Lauderdale.

On the State Bank—consisting of Messrs. Saffold, Dellett, Oliver, Martin of Lauderdale, Mardis, Brandon, Fitzpatrick, and Edmondson.

Mr. Vining presented the petition of Egbert Harris, John Braham and Simon Turner, which was read and referred to the Judiciary Committee.

Mr. Morton, from the Select Committee to whom was referred the petition of Jacob Johnson, reported a bill to be entitled, "An act authorising Jacob Johnson to emancipate a certain slave therein named, which was read a first time, and ordered for a second reading to-morrow.

Mr. Davis presented the petition of George Lisle, praying the emancipation of a certain slave therein named, which was read and referred to a select committee consisting of Messrs. Davis, Coopwood, and Coleman.

The Speaker laid before the House the record and proceedings of the Circuit Court of Jackson County in Chancery, in the case of Edward Maxwell versus Susan Maxwell, which was read, and, on motion of Mr. Dellett, ordered to lie on the table.

Mr. Cook presented the petition of the Judge of the County Court, and Commissioners of Roads and Revenue, and other citizens of Butler County, to alter the mode of appointing assessors and tax-collectors, which was read, and referred to the Committee on Propositions and Grievances.

Mr. Coopwood presented the petition of Henry Dellahunty, Administrator of the Estate of John D. Viser, deceased, which was read, and referred to a select committee, consisting of Messrs. Coopwood, Heard, and Mead.

Mr. Coopwood presented the petition of the Administrators of James Havens, deceased, which was read, and referred to a select committee consisting of Messrs. Coopwood, Heard, and Mead.

Mr. Lewis presented the petition of the heirs and representatives of James Gilliland, deceased, which was read, and referred to the Committee on Propositions and Grievances.

Mr. Barton, of Mobile, presented the memorial of the Clerk and Sheriff of Mobile County, which was read, and referred to the Judiciary Committee.

Mr. Fitzpatrick presented the petition of sundry citizens of Dale County, praying the passage of a law to attach part of Dale County to the county of Pike, which was read, and referred to the Committee on County Boundaries.

Mr. Brandon presented the petition of Jim Kindell, which was read, and referred to a select committee consisting of Messrs. Brandon, Martin of Limestone, and Coe.

Mr. Martin, of Franklin, presented the petition of James Frazier, late Tax-Collector of Franklin County, which was read, and referred to a select committee consisting of Messrs. Martin of Franklin, Morton, and Davis.

Ordered, That *Mr. Watson* be added to the Committee on County Boundaries.

Ordered, That *Mr. Hickman* be added to the Bank Committee.

Message from the Senate by Mr. Lyon, their Secretary.

MR. SPEAKER—The Senate concur in the Resolution of your honourable body, inviting them to convene in the Representative Chamber on this day, at the hour of 3 o'clock, for the purpose of opening and publishing the several returns of election for Governor.

They have adopted the following Resolution, in which they ask your concurrence: *Resolved*, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to contract for stationary and fuel for the General Assembly, at the present session. They have appointed on their part Messrs. Sullivan, Casey, and Powell. *Ordered*, That the House concur in the Resolution. *Ordered*, That Messrs. Morton, Coalter, and King be appointed a committee on the part of this House.

The House adjourned till half past two o'clock.

Evening Session.—Mr. Davis presented the petition of sundry inhabitants of Marion county, which was read, and referred to the committee on inland navigation. Mr. Hickman presented the petition of Cesar Kenedy, praying the passage of a law authorizing him to erect a

toll bridge over the Swamp at Brown's Ferry, on the south side of the Tennessee river; which was read and referred to a select committee, consisting of Messrs. Hickman, Edmondson, and Davis.

On the motion of Mr. Lambert, *Ordered*, that the following resolution be adopted:—"Whereas, much inconvenience is experienced in the county of Baldwin, in consequence of the vacancy in the office of Judge of the county court of said county.

Be it therefore resolved, that the Senate be requested to assemble in the Representative hall on Saturday next, at the hour of 3 o'clock, p. m. for the purpose of electing a Judge of the county court of Baldwin county.

On motion of Mr. Morton, *Resolved*, That the Senate be informed, that the House of Representatives is now ready to receive them for the purpose of opening and publishing the returns of election for Governor, agreeable to a former resolution; and that the west end of the hall is appropriated for their reception.

Ordered, That Messrs. Creagh and Hallett be added to the Bank Committee.

Ordered, That Mr. White be added to the Committee on Inland Navigation.

Mr. Coopwood presented the petition of sundry inhabitants of Lawrence County, praying the passage of a law, compelling parties to suits to give security for costs, which was read, and referred to the Judiciary Committee.

On motion of Mr. Lewis, *Resolved*, That the Judiciary Committee be instructed to inquire into the practicability of extending the boundaries of the counties of Jackson and Decatur into the Cherokee territory, within the limits of this State, so as to make them constitutional counties.

Mr. Martin, of Limestone, obtained leave to introduce a resolution, proposing certain amendments to the Constitution of the State of Alabama, which was read a first time, and ordered to be read a second time to-morrow.

Mr. Lambert presented the petition of Andrew Dorgan, and Henry Weeks, principal pilots, employed in the outer bar of the Bay of Mobile, which was read, and referred to a select committee consisting of Messrs. Lambert, Barton of Mobile, and Moore.

The Senate having assembled in the hall of this House, agreeably to a resolution, Mr. Speaker proceeded to open and count the votes for Governor, which having been done, he declared JOHN MURPHY, Esq. to have received twelve thousand five hundred and eleven votes; Mr. Speaker, therefore, arose, and declared that John Murphy, Esq. was duly and constitutionally elected Governor of the State of Alabama for the ensuing two years. The Senate then withdrew.

On motion of Mr. Williams, *Resolved*, That a committee be appointed on the part of this House, together with such committee as may be appointed on the part of the Senate, to wait on His Excellency JOHN MURPHY, and inform him that he is duly elected Governor, and Commander-in-Chief of the State of Alabama; and to know when it will be convenient for him to take the necessary oaths of office: whereupon Messrs. Williams and Dellett were appointed said committee. The House adjourned till to-morrow morning 10 o'clock.

Thursday, November 24, 1825.

Mr. Greening, from the select committee to whom was referred the petition of the administrators of the estate of John Bell, deceased, reported a bill to be entitled, An act to authorise the administrators of John Bell, deceased, lately of the county of Conecuh, to convey certain real estate therein named, which was read a first time, and ordered to be read a second time to-morrow.

Mr. Watson presented the petition of sundry inhabitants of Henry and Dale counties, praying the passage of a law to attach part of Henry County to Dale County, which was read, and referred to the Committee on County Boundaries.

Mr. Martin, of Limestone, from the select committee to whom was referred the petition of Jim Kindell, a man of colour, praying to be emancipated, together with the accompanying document, have had the same under consideration, and beg leave to report, that the prayer of the petitioner is unreasonable, and ought not to be granted; in which report the House concurred.

Ordered, That Mr. Vining be added to the Committee on County Boundaries.

Ordered, That Messrs. Thornton and Coalter be added to the Committee on Ways and Means.

Ordered, That Mr. Lambert be added to the Committee on Inland Navigation.

Ordered, That Messrs. Williams and Barton of Tuscaloosa be added to the Judiciary Committee.

Ordered, That Mr. Sims be added to the Military Committee.

Mr. Martin, of Limestone, presented the accounts of Covington Edmondson, late Jailor of Limestone County, which were severally read, and referred to the Committee on Accounts.

Mr. Benson presented the accounts of William Holbrooks, Jailor of Autauga County, which were severally read, and referred to the Committee on Accounts.

Mr. Benson presented the account of Marble Stone, Jailor of Montgomery County, which was read, and referred to the Committee on Accounts.

Mr. Benson presented the account of John Moody, late Jailor of Montgomery County, which was read, and referred to the Committee on Accounts.

Mr. Benson presented the accounts of John N. Giddens, late Jailor of Montgomery County, which were read, and referred to the Committee on Accounts.

Mr. Benson presented the account of Stephen Coleman, late Jailor of Montgomery County, which was read, and referred to the Committee on Accounts.

Mr. Benson presented the account of John Moody, which was read, and referred to the Committee on Accounts.

Mr. Creagh presented the petition of sundry inhabitants of the counties of Mobile, Washington, Clarke, Wilcox, and Marengo, praying the passage of a law authorizing the opening of a road from the town of Tuscaloosa to the city of Mobile, which was read, and referred to the Committee on Roads, Bridges, and Ferries.

Mr. Creagh presented the petition of sundry inhabitants of Clarke County, praying the passage of a law authorizing the extension of the boundaries of said county, which was read, and referred to the Committee on County Boundaries.

Mr. Creagh presented the account of John Beckham, Sheriff of Clarke County, which was read, and referred to the Committee on Accounts.

Mr. Martin, of Frank. presented the petition of sundry inhabitants of Marion County, praying the passage of a law to keep in repair that part of the military road which runs through said county, which was read, and referred to the Committee on Roads, Bridges, and Ferries.

Mr. Martin, of Laud. presented the petition of sundry inhabitants of Lauderdale County, praying the passage of a law authorizing the establishment of an election precinct at the house of William Middleton, in the town of Waterloo, in said county, which was read, and referred to a select committee consisting of Messrs. Martin of Laud. Coopwood, and White.

Mr. Vining presented the petition of John P. Neal, Agent of William A. Powell, praying the passage of a law authorizing the emancipation of a certain slave therein named, which was read, and referred to the Committee of Propositions and Grievances.

Mr. Martin, of Laud. presented the petition of sundry inhabitants of Lauderdale County, praying the passage of a law authorizing the opening of a road; which was read, and referred to a select committee consisting of Messrs. Martin of Laud. Edmondson, Coc, Vaughan, and Armbrister.

Mr. Cook presented the petition of sundry inhabitants of Pike County, praying the passage of a law to annex a part of Pike County to that of Butler County; which was read, and referred to the Committee on County Boundaries.

Mr. Martin, of Laud. presented the petition of David Tuppance, praying the passage of a law to authorize the said David Tuppance to change the name of Tuppance to that of Richardson; which was read, and referred to the Committee on Propositions and Grievances.

Mr. McNeill presented the petition of sundry inhabitants of Autauga County, praying the passage of a law altering the mode of electing assessors and tax-collectors in said county; which was read, and referred to the Committee on Propositions and Grievances.

Mr. Barton, of Mobile, presented the account of William D. Stone, Sheriff of Mobile County; which was read, and referred to the Committee on Accounts.

Mr. Mead presented the account of the Sheriff of Blount County; which was read, and referred to the Committee on Accounts.

A bill to be entitled, An act authorizing Jacob Johnson to emancipate a certain slave therein named, was read a second time, and ordered to be engrossed for a third reading to-morrow.

A resolution proposing certain amendments to the Constitution of the State of Alabama, was read a second time. On motion of Mr. Martin, of Lime. *Ordered*, That said resolution lie on the table; and that 100 copies thereof be printed for the use of this House.

Mr. Morton obtained leave to introduce a bill to be entitled, An act to prohibit the further granting licenses for gaming tables; which was read the first time, and ordered to be read a second time to-morrow.

Mr. Watson presented the account of John Bird, sen. Deputy Sheriff of Henry County; which was read, and referred to the Committee on Accounts.

Mr. Bailey, of Laud. obtained leave to introduce a bill to be entitled, An act to incorporate the town of Florence; which was read a first time, and ordered to be read a second time on Saturday next.

Mr. Martin, of Limes. presented the petition of John Booth, praying the passage of a law to change the names of sundry persons therein named; which was read, and referred to a select committee, consisting of Messrs. Martin of Limes. Coalter, and Davis.

Mr. Fluker presented the accounts of the Sheriff of Marengo County; which were severally read, and referred to the Committee on Accounts.

A message from the Senate, by Mr. Lyon, their Secretary:

“*Mr. Speaker*—The Senate concur in the resolution of your honourable body, appointing a committee to wait on the Governor elect, and notify him of his election, and ascertain when it may suit the convenience of his Excellency to take the necessary oaths of office; they have appointed on their part Messrs. Crabb and Bagby.

“They also concur in the resolution of the House of Representatives, proposing to go into the election of a Judge of the County Court of Baldwin County on Saturday next, at the hour of 3 o’clock P. M.; and then he withdrew.”

Mr. Barton, of Tusc. presented the account of Wm. Y. Glover, Sheriff of Tuscaloosa County; which was read, and referred to the Committee on Accounts.

Mr. Bridges presented the petition of Abel Davis, Administrator of Daniel Davis, deceased, praying the passage of a law to authorize him to sell certain real estate; which was read and referred to a select committee, consisting of Messrs. Bridges, Fluker, and Sims.

Ordered, That Mr. Lewis be added to the Committee on County Boundaries.

Mr. Benson presented the petition of Samuel N. Graham, praying the passage of a law to remunerate him for a slave murdered; which was read, and referred to the Committee on Propositions and Grievances.

Mr. Coleman presented the account of David C. Fraser, Jailer of St. Clair County; which was read, and referred to the Committee on Accounts.

The Speaker laid before the House the Memorial of Sarah P. Chard; which was read, and ordered to lie on the table.

Mr. Williams, from the joint committee appointed on the part of his House, to act with such committee as may be appointed on the part of the Senate, to wait on his excellency John Murphy, and inform him that he is duly elected Governor and Commander-in-Chief of the State of Alabama, have performed their duty; and received for answer, that he will be ready on to-morrow, at the hour of 12 o’clock, to take the necessary oaths of office.

On motion of Mr. Williams, *Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of dividing the State into more compact and convenient Judicial Courts, with leave to report by bill or otherwise.

On motion of Mr. Martin, of Limes. *Resolved*, That the Committee on Roads, Bridges, and Ferries be instructed to inquire into the expediency of requiring by law the keeping open for the purposes of pass-ways, the range and township lines throughout the State, with leave to report by bill or otherwise.

The House adjourned till to-morrow 10 o'clock.

Friday, November 25.

Mr. Hallett presented the petitions of Registe Bernody, Harris Baudin, and Silvas Nicholas, of Mobile County, praying the passage of a law authorizing the emancipation of certain slaves therein named, which was read, and referred to a select committee, consisting of Messrs. Hallett, Lambert, and Oliver.

Mr. Brandon presented the petition of sundry inhabitants of Mason County, praying the passage of a law authorizing Green Coll to construct a dam across Flint river; which was read, and referred to the Committee on Inland Navigation.

Mr. Vining presented the petition of James Trotter, of Madison County; which was read, and referred to the Judiciary Committee.

Mr. Neill presented the petition of Benjamin James, praying the passage of a law granting him the privileges of a citizen; which was read, and referred to the committee on propositions and grievances.

Mr. Fitzpatrick, from the committee of propositions and grievances to whom was referred the petition of John P. Neal, agent of William A. Powell, reported a bill to be entitled, an act to emancipate John Ribinson, a mulatto man slave; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Barton, of Mobile, presented the petition of Charles Bat Administrator of John Francis Duchemin, praying the passage of a law authorizing the sale of certain real estate; which was read, and referred to the judiciary committee.

Mr. Lambert, from the select committee to whom was referred the petition of the principal pilots employed on the outer bar of the Bay of Mobile, reported a bill to be entitled, An act for the relief of the principal pilots of Mobile Bay; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Baylor, from the select committee to whom was referred the petition of sundry inhabitants of Walker county, reported a bill to be entitled, An act to establish a permanent seat of justice in the county of Walker, and for other purposes; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Lambert presented the account of James Conway, Jailer Baldwin county; which was read, and referred to the committee on accounts.

Mr. Lewis presented the account of Jeremiah Vestal, late Jailor of Blount county; which was read, and referred to the committee on accounts.

Mr. Lewis presented the account of the Sheriff of Jackson county; which was read, and referred to the committee on accounts.

Mr. Harris presented the account of George W. Myers, Sheriff of Washington county, which was read, and referred to the committee on accounts.

Mr. Harris presented the account of William Tinnen, late sheriff of Washington county, which was read and referred to the committee on accounts.

Mr. Dellett obtained leave to introduce a bill, to be entitled, an act to repeal the act establishing the June term of the Supreme Court; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Dellett obtained leave to introduce a bill, to be entitled, an act to repeal an act, entitled an act, the more effectually to insure the testimony of absent witnesses by interrogatories—which was read a first time, and ordered to be read a 2d time to-morrow.

Mr. Bridges, to whom was referred the petition of Abel Davis, administrator of Daniel Davis, deceased, reported a bill to be entitled, an act to authorize Abel Davis, administrator of Daniel Davis, deceased, to sell real estate, which was read a first time, and ordered to be read a second time to-morrow.

Ordered, that *Mr. Martin*, of Franklin, be added to the military committee.

Ordered, that *Mr. Cook* be added to the committee on county boundaries.

Ordered, that *Mr. Moore* be added to the committee on schools and colleges, and school and university lands.

On motion of *Mr. Martin*, of Franklin, resolved, that the military committee be instructed to inquire into the expediency of dividing and making two, of the second division of the militia of this state.

On motion of *Mr. Martin*, of Franklin, resolved, that the judiciary committee be instructed to inquire into the expediency of repealing all laws relative to the commissioners of roads and revenue—and that the justices of the peace in each and every county, perform the several duties now incident to commissioners of roads, &c.

The House resolved itself into a committee of the whole, on His Excellency's message; *Mr. Oliver* in the Chair—and after some time spent therein, the committee rose, and *Mr. Speaker* resumed the Chair, and *Mr. Oliver* reported that the committee had, according to order, read the message of His Excellency under consideration, but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

A bill, to be entitled an act to authorize the administrators of the estate of John Bell, deceased, late of the county of Conecuh, to convey certain real estate therein named, was read a second time, and ordered to lie on the table.

Message from the Senate by *Mr. Lyon*—*Mr. Speaker*, the Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, that a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the House of Representatives, to conduct the Governor elect into the representative hall, for the purpose of taking the several oaths pre-

scribed by the Constitution, previous to entering on the discharge of the duties of his office. They have appointed Messrs. Bagby, Jackson of Lauderdale, and he withdrew. Ordered, that the same be laid on the table.

On motion of Mr. Morton, *Resolved*, That a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to conduct His Excellency, Governor elect, into the representative hall for the purpose of taking the necessary oaths of office—whereupon, Messrs. Morton and Crshaw were appointed said committee.

On motion of Mr. Morton, *Resolved*, that the Senate now be invited to assemble in the representative hall, for the purpose of installing His Excellency, the Governor, agreeable to the report of the committee on that subject, and that the west end of the hall be appropriated for their reception.

A message from the Senate, by Mr. Lyon—Mr. Speaker, the Senate concur in the resolution of your honorable body, appointing a committee on your part, to act with such committee as may be appointed on the part of the Senate, to conduct His Excellency, the Governor elect, into the representative chamber, for the purpose of taking the necessary oaths of office. They have appointed on their part Messrs. Bagby, and Jackson of Lauderdale.

The Senate having repaired to the hall of the House of Representatives, and taken their seats, His Excellency John Murphy, appeared and Mr. Speaker administered to him the oath prescribed by the Constitution—And also, by an act entitled an act, supplementary to an act, entitled an act to suppress duelling, passed on the 17th day of December, 1819, after which His Excellency, the Governor, arose and delivered an appropriate address to both houses, and the Senate withdrew—and the House adjourned till 3 o'clock.

Evening Session, 3 o'clock.—Mr. Williams, from the committee on privileges and elections, to whom was referred the memorial of James G. Lyon, reported, that the committee to whom was referred the memorial of James G. Lyon, contesting the right of P. T. Harris to the seat in this House, now occupied by him as the Representative from the county of Washington, have had the same under consideration and ask leave to make the following report:

James G. Lyon states in his memorial that he was duly elected by a plural vote of the votes of Washington County, to represent that County in this General Assembly, and that notwithstanding he was thus duly elected, the Sheriff of Washington County has returned Mr. Harris as having been elected. In support of the claim of Mr. Lyon to his seat, he has introduced evidence before your committee to the following effect. On the evening of the day of the General election, after the polls had been closed, the managers of the election at Washington Court House, proceeded to count out the tickets that had been deposited in the box required by law to be kept for state officers; and that when they had made some progress in the discharge of this duty, they observed a ticket on which was written the name of George W. Owen, who was at that time a candidate to represent the southern Congressional District in the House of Representatives of the United States. This ticket was destroyed, and consequently the number endorsed on it cannot be ascertained. After the managers had counted out the tickets which had been deposited in this box, and on the evening of the same

day, they proceeded to count out the tickets which had been deposited in the box required by law to be kept for a member to Congress; and in doing so, they perceived a ticket on which had been written the names of John Murphy for Governor, and James G. Lyon for Representative, both of whom were candidates for the several stations designated on the ticket. When the managers came to this ticket, one of the clerks who assisted in conducting the election inquired of the Sheriff the number endorsed on the ticket, and was informed by him that it was endorsed with number "95." By referring to the list of voters kept by the clerks, the number corresponded with the number opposite to the name of James Thompson. The ticket numbered "95," having been found in the Congressional box, and the managers not anticipating that the candidates would receive an equal number of votes, was not added to the number of votes received by Mr. Lyon. It was however preserved by the managers, and has been handed to Mr. Thompson in the presence of the committee. That gentle man states that he wrote his ticket in haste on the day of the election, and that it was his intention to vote for Wm. Crawford, Esq. for the Senate, as well as for the two gentlemen whose names appear on the ticket numbered "95," and which had been found in the Congressional box; and that he supposed he had done so, until he saw the ticket after the election. He stated however, that he wrote but one ticket on the day of the election, and that he believed the names on the ticket numbered "95" shewn to him in the presence of the committee, to be in his hand writing. It is in further proof, by the evidence of Gen. Thompson, that the ticket shewn to him here, is believed by him to be the same ticket found in the Congressional box. In the expression of this opinion by the witness, your committee are induced from a corroboration of circumstances, to concur. "In relation therefore, to the vote of Gen. Thompson, it may be said in few words, that the ticket of that gentleman was placed through the mistake of the managers in the wrong box; and that it was the wish of Gen. Thompson, that Mr. Lyon should represent the County of Washington in this General Assembly, and not the southern District, in the Congress of the United States.

The committee have been thus minute in detailing the facts in relation to the vote of Gen. Thompson, from the belief that the right of Mr. Harris to retain his seat, depends entirely upon the legality of that vote. And its materiality in this contest is at once apparent from the following statement of facts. Mr. Harris and Mr. Lyon received each one hundred and fifty three votes, exclusive of the casting vote of the sheriff and of the vote of Gen. Thompson. If the vote of Gen. Thompson had been added to the number of votes received by Mr. Lyon, he would have been duly elected by a majority of one vote. It was however not included, and the sheriff by virtue of his official station, gave the casting vote in favor of Mr. Harris.

From this statement of facts, the questions to be determined in relation to the vote of Gen. Thompson are these, ought not the managers to have added that vote to the number of votes received by Mr. Lyon before they made a return of the election to the sheriff? If they ought to have done so, and did not, is it not competent for the House of Representatives to determine that Mr. Lyon shall yet receive the benefit of that vote?

The law prescribing the mode in which elections shall be conducted, imposes the duty upon the managers of opening two boxes for the reception of tickets, in one of which shall be deposited the votes for state officers, and in the other the votes for a member to congress. If in the discharge of the duties thus required to be performed by the managers, they should make any mistake, it is believed by your committee that they have the power to rectify such error, at any time previous to the return of the election to the sheriff. It is believed too, that the same power is reserved to the managers at the different precincts through the county, until such managers have made their return to the managers at the court-house. In support of the correctness of this position, suppose the managers had counted

out the votes, and then dispersed. After they had done so, and previous to the return being made, they discovered that several tickets were left in the box and had not been counted. Would any person deny to the managers the right of correcting the mistake, and counting out the votes thus left in the box? Certainly not. Your committee cannot perceive any difference between this case, and the one referred to their consideration. The circumstance alone of the tickets having been placed in the wrong box, through mistake, does not change the principles involved in the two cases, nor does it destroy the vote so placed in the wrong box. In both cases the result might have been changed by the negligence of the managers, and if the mistakes resulting from such negligence cannot be rectified, the exercise of the right of suffrage is virtually denied to the people. In a country like our's, where the sovereignty of the people is impressed upon every feature of the government, it becomes our duty to consult the expressions of their will; and to withhold any decision that may abridge the right of suffrage.

The legislature, in requiring that a separate box should be kept for the reception of tickets, for a member to congress, never intended that a vote which should be placed in this box through mistake should be lost. It was only intended to facilitate the decision of any contested election that might grow out of the election of a member to congress from this state.

In arriving, therefore, at the conclusion, that the managers ought to have added the vote of General Thompson to the number of votes received by Mr. Lyon, your committee have expressed the will of that gentleman in relation to the candidates, without violating any principle of law.

It now remains to be ascertained, whether or not it is competent for the house of representatives to say that Mr. Lyon shall receive the benefit of General Thompson's vote. On the day after the general election, when the votes had been received from the different precincts and added together, it was found that both the candidates had received an equal number of votes; upon ascertaining this fact, the managers at the court-house determined that their authority as managers expired on the first day, and that consequently they had no power to determine on the legality of the vote of General Thompson, and must refer the decision of that question to a higher tribunal. It is not material to this investigation, whether the authority of the managers expired on the first or second day, because whatever may have been their decision as to the legality of the vote of General Thompson, that decision would have been subject to the revision of this house. The fourteenth section of the third article of the constitution of this state, secures to each house of the general assembly the privilege of judging of the qualifications, elections and returns of its own members. Thus, the power of the house of representatives to add the vote of General Thompson to the number of votes received by Mr. Lyon, cannot be questioned.

From these considerations, which they now offer to the house, your committee believe that the vote of General Thompson should be added to the number of votes obtained by Mr. Lyon. What influence that vote should have on the right of Mr. Harris to retain his seat, has been the subject of investigation, by the committee. Mr. Harris appeared before the committee, and was heard on this question. It is contended by him, that the vote of the sheriff of Washington county in his favor was a legal vote, because the sheriff was entitled to the privilege of voting under the constitution. From the facts in relation to the case it is not necessary, that the committee should decide, whether the sheriff was or was not entitled to the privilege of voting, under the constitution. It is admitted by the parties, that the sheriff of Washington County did vote on the day of the election for a Senator, and not for a Representative. If the sheriff had the right to exercise of this right; and it no longer remains a question to be determined, whether the sheriff had the right to vote under the constitution. It is evident that he had no right to vote after the polls had been closed, unless in giving the

casting vote in his official capacity. And if the vote of Gen. Thompson, be added to the number of votes received by Mr. Lyon, he would have received a majority of one vote over the setting member: So that the act of 1812, authorising the sheriff to give the casting vote could have no application to this controversy. Mr. Lyon appears therefore, to have been duly elected, by a majority of one vote.

It becomes the duty of the committee to report further; that after Mr. Harris was returned by the casting vote of the Sheriff, as having been duly elected, he transmitted to his Excellency the Governor, his resignation as the representative elect from the county of Washington. This resignation was accepted, and a writ of election issued by the Governor to fill the vacancy. Mr. Harris was elected without opposition, and a return of this election made by the sheriff.

It is the opinion of the committee, in relation to the second return, that it has no bearing on this case, unless Mr. Harris was duly elected in the first instance. If he was elected in the first instance, he had the privilege of resigning his seat, and must now claim it by virtue of the second return. If he was not elected, no right was vested in him, as the representative from Washington county, of which he could divest himself, by a resignation; and consequently the writ of election issued by the Governor was unauthorised by law. Again, if Mr. Harris was not duly elected in the first instance, his resignation could not effect Mr. Lyon; his privileges, as a representative, could only be effected by his own resignation, or by the act of this House.

The only question, which now remains for the committee to determine, is unconnected with the merits of the controversy; and has been brought before them by Mr. Harris. It presupposes the fact, that Mr. Lyon was duly elected; but it is contended, that he cannot take his seat, on the ground of constitutional ineligibility.—That he was the Clerk of the Circuit Court for the county of Washington, on the first Monday in August; and therefore, ineligible to a seat in the House of Representatives. The words of the constitution are these:—"No person holding any office under the United States, in this State, or any other power, shall be eligible to the General Assembly." In placing a proper construction upon this section of the constitution, it is important to ascertain the object which the convention intended to effect by it. It was certainly, designed to prevent any person from holding a lucrative office and occupying a seat in the Legislature at the same time. If this was the intention of the framers of the constitution, and it certainly was, a correct decision is easily attained. That such was the motive by which the convention was influenced, is evident from one consideration only. The constitution of Alabama, which has been so emphatically termed the charter of our liberties, was never designed for the purpose of abridging the privileges of the people of this country. An equal distribution of the honors and emoluments of office, among those who might be entitled to its protection, is a characteristic feature in our constitution. Thus, then, the connection of offices in the person of an individual, the duties of which might be incompatible with each other, was intended to be avoided. In the case before the committee, the discharge of the duties of Circuit Clerk by Mr. Lyon, created no relationship between those duties and his privileges as a representative elect; nor was there any thing incompatible in the discharge of those duties, and the passive station of a representative elect.—They would only become incompatible with each other, when Mr. Lyon should enter on the discharge of his duties as a representative. From these considerations, it is obvious that the convention intended nothing more, than to prevent an individual from occupying a seat in the Legislature, and discharging the duties of a lucrative office, at the same time. If such was the intention of the framers of the constitution, the Legislature will only judge of the eligibility of its members, when they come forward to occupy their seats. Any section of the constitution, that is intended to restrict the citizen in the enjoyment of his natural rights, should receive a liberal construction. It is not believed,

however, that a literal construction of the section in question, would justify a different conclusion. It is, therefore, the opinion of the committee, that Mr. Lyon is not ineligible to a seat on this floor; and, inasmuch as he has been duly elected, the committee unanimously recommend to the House, the adoption of the following resolution: Resolved, that James G. Lyon is lawfully entitled to the seat now occupied in this House, by P. T. Harris, Esq. as the representative from the county of Washington, and ought to take his seat.

On motion of *Mr. Creagh*, *Ordered*, That the report and resolution lie on the table.

Engrossed bill to be entitled an act authorizing Jacob Johnson to emancipate a certain slave therein named, was read a third time and passed. *Ordered*, That the title be changed from that of a bill to that of an act. *Ordered*, That the clerk acquaint the Senate therewith.

Mr. Moore presented the petition of Isaac Jordon, praying the passage of a law to emancipate a certain slave therein named; which was read, and referred to a select committee, consisting of Messrs. Moore, Fluker, and Bridges.

Mr. Moore obtained leave to introduce a bill to be entitled, an act to authorize clerks of county courts to administer oaths in certain cases; which was read a first time, and ordered to be read a second time to-morrow.

On motion of *Mr. Martin*, of Frank. *Resolved unanimously*, That on the dissolution of the political connexion of ISRAEL PICKENS, late Governor of this State, and this House, that we, the representatives of the people, return our grateful thanks for the able, even, and dignified manner in which he has discharged the duties of that important trust, during the four years of his administration.

A bill to be entitled, an act to prohibit the further granting licenses for gaming tables, was read a second time, and referred to a select committee, consisting of Messrs. Morton, Dellett, Martin of Frank. Thornton, and Baylor.

On motion of *Mr. Creagh*, *Resolved*, That a committee be appointed to wait on His Excellency Governor Murphy, and request him to furnish a copy of the inaugural address delivered by him this day that the same may be spread upon the Journal of this House; where upon Messrs. Creagh and Greening were appointed said committee.

On motion of *Mr. Davis*, *Resolved*, That the military committee be instructed to inspect the arms of this State, now in the arsenal at this place, and report to this House their situation. *Ordered*, That Mr. Bridges be added to the committee on roads, bridges, and ferries.

The House adjourned until to-morrow morning 10 o'clock.

Saturday, November 26.

Mr. Broadnax presented the petition of Lewis Houson, praying the passage of a law authorizing him pay for a negro man slave executed; which was read, and referred to the committee on propositions and grievances.

Mr. Jones presented the petition of Leasa Lewis, praying the passage of a law to be exempted from the debts of her husband; which was read, and referred to the committee on propositions and grievances.

Mr. Saffold presented the Report of the Directors of the State Bank which was read and referred to the Bank Committee.

Mr. Vining presented the petition of sundry inhabitants of Decatur county, praying the passage of a law to annex part of said county, to that of Madison county, which was read and referred to the committee on county boundaries.

Ordered, That *Mr. Armbrister* be added to the committee on county boundaries.

Ordered, That *Mr. Barton*, of *Mobile*, be added to the committee on inland navigation.

Ordered, That *Mr. Greening* be added to the judiciary committee.

Ordered, That *Mr. Davis* be added to the judiciary committee.

Mr. Benson presented the petition of the administrators of Benjamin H. Hall, deceased, praying the passage of a law to authorize said administrators to sell certain lots therein named, which was read and referred to the judiciary committee.

Mr. Benson presented the petition of the administrator of Henry Olcott, praying the passage of a law to authorize said administrator to sell certain lots therein named, which was read and referred to the judiciary committee.

Mr. Benson presented the petition of Ebenezer Washburn, administrator, and Ann M. Washburn, administratrix, of James Gause, deceased, praying the passage of a law to sell certain real estate, which was read and referred to the judiciary committee.

Mr. Benson presented the account of John Stewart, for services rendered, as Marshal, to a court martial, which was read and referred to the committee on accounts.

Mr. Cook presented the petition of sundry inhabitants of Montgomery county, praying the passage of a law to be annexed to Butler county, which was read and referred to the committee on county boundaries.

Ordered, That *Mr. Creagh*, be added to the committee on ways and means.

Ordered, That *Mr. Bailey*, of *Montgomery*, be added to the committee on county boundaries.

Ordered, That *Mr. Cook* be added to the committee on roads, bridges and ferries.

Mr. Hallett, from the select committee, to whom was referred the petition of Register Bernady, Harriet Bandon, and Sylvan Nicholas, reported a bill to be entitled an act, to emancipate certain slaves therein mentioned; which was read a first time, and ordered to be read a second time on Monday next.

Mr. Vining, from the committee on propositions and grievances, to whom was referred the petition of Benjamin James have had the same under consideration, and have instructed me to report the same unreasonable, and ought not to be granted—in which resolution the House concurred.

Mr. Vining, from the committee on propositions and grievances, to whom was referred the petition of Samuel N. Graham, praying remuneration for a slave murdered, have had the same under consideration, and have instructed me to report, that your committee are of opinion, that it is inexpedient to grant the prayer of the petitioner. In which report the House concurred.

Mr. Martin, of *Lauderdale*, from the select committee, to whom was

referred the petition of sundry inhabitants of Lauderdale county, reported a bill, to be entitled, an act to establish an election precinct in the county therein named, was read a first time, and ordered to be read a second time on Monday next.

The House resolved itself into a committee of the whole, on His Excellency's message, *Mr. Oliver* in the chair—and after some time spent therein, the committee then rose, and *Mr. Speaker* resumed the chair—and *Mr. Oliver* reported, that the committee, according to order, has had His Excellency's message under consideration, and had made sundry references thereon, and leave was granted till Monday next, to report thereon.

On motion of *Mr. Morton*, resolved, that a committee be appointed to wait on His Excellency, *Israel Pickens, Esq.* late governor, informing him that the House of Representatives, did on yesterday adopt the following resolution, to wit:

Resolved, unanimously, That on the dissolution of the political connexion between *Israel Pickens*, late Governor of this state, and this House, that we, the representatives of the people, return our grateful thanks, for the able and dignified manner in which he has discharged the duties of that important trust during the four years of his administration.

Whereupon, *Messrs. Martin*, and *Martin of Limestone*, were appointed said committee.

Mr. Baylor, from the committee on roads, bridges, and ferries, to whom was referred a resolution requiring them to investigate the propriety of opening by law the range and township lines, have had the same under consideration, and beg leave to report, that they deem such measure inexpedient. *Ordered*, That said report lie on the table.

Mr. King introduced a bill to be entitled, an act providing for the registration of deeds, grants, &c. &c.; which was read a first time, and ordered to be read a second time on Monday next.

A bill to be entitled, an act to authorize clerks of county courts to administer oaths in certain cases, was read a second time, and referred to the judiciary committee.

Mr. Davis obtained leave to introduce a bill to be entitled, an act to give Justices of the Peace jurisdiction of breaches of the peace; which was read a first time, and ordered to be read a second time on Monday next.

Mr. Warren obtained leave to introduce a bill to be entitled, an act to establish certain election precincts therein named; which was read a first time, and ordered to be read a second time on Monday next.

On motion of *Mr. Barton*, of Tusk. *Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of referring all applications for the emancipation of slaves to a different tribunal than that of the General Assembly.

A bill to be entitled, an act to emancipate *John Robinson*, a mulatto man slave, was read a second time, and ordered to be engrossed for a third reading on Monday next.

Mr. Coopwood obtained leave to introduce a bill to be entitled, an act to repeal the common law in certain cases; which was read a first time, and the question being put, "Shall this bill be read a second time?" it was decided in the negative.

Mr. Fitzpatrick obtained leave to introduce a bill, to be entitled an act, appointing a commissioner for the town of Monticello, in the county of Pike, and for other purposes, was read a first time, and ordered to be read a second time on Monday next.

Mr. Martin, of Limestone, obtained leave to introduce a bill, to be entitled an act, authorizing the county court of Limestone county to make certain allowances therein named; which was read a first time, and ordered to be read a second time on Monday next.

A bill to be entitled an act for the relief of the principal Pilots of Mobile Bay, was read a second time, and ordered to be engrossed, and read a third time on Monday next.

A bill to be entitled, an act to establish a permanent seat of justice in the county of Walker, and for other purposes, was read a second time, and laid on the table.

A bill, to be entitled, an act to repeal an act, passed on the 24th day of December, one thousand, eight hundred and twenty-four, entitled, an act to abolish the June term of the Supreme Court, was read a second time, and committed to the judiciary committee.

A bill, to be entitled an act, to repeal an act, entitled an act, the more effectually to insure the testimony of absent witnesses, by interrogatories, was read a second time, and committed to the judiciary committee.

A bill, to be entitled an act, to authorize Abel Davis, administrator of Daniel Davis, deceased, to sell real estate, was read a second time, and committed to the judiciary committee.

On motion of Mr. Barton, of Mobile, resolved, that the committee on inland navigation be instructed to enquire into the expediency of mending an act passed at the last session of the General Assembly, entitled an act for improving the navigation of the port and harbor of Mobile.

Mr. Creagh, from the committee appointed to wait on His Excellency, John Murphy, and request a copy of his inaugural address for the purpose of spreading it on the journal of this house, ask leave to report that they have performed that duty, and received a copy for that purpose, which is in the words and figures following, to wit:

Gentlemen of the Senate,

and of the House of Representatives,

It will not be matter of surprise that I appear before you on the present occasion, affected with various and deep emotions. I present myself before the representatives of the people, who are here clothed with a large portion of their power, entrusted with the support and manifestation of their dignity, and justly entitled to sentiments of respect and reverence. But other considerations contribute still more deeply to impress me. I have come to pledge my devotion to my country under the highest solemnities; and to assume the discharge of a great and important trust to which I have been called by the suffrages of the people. I am about to engage to represent their power in the execution of justice; to shew their clemency in the exercise of mercy; to regard their general interests with active and patriotic solicitude; and, in some degree, to sustain the reputation of their wisdom, patriotism, and moral character, by the ability and rectitude with which I ought to discharge my official duties. These and other reflections, which might easily be added, are more than sufficient to call for a strict scrutiny of power and qualification; and to cause an anxious, though liberal inquietude lest they should be found to be greatly inadequate. For in truth nothing can be more afflicting than to disappoint the liberality of confidence, to fail in the execution of impor-

tant concerns, or to tarnish the reputation of our country by imbecility or misconduct in its affairs. I should hope that I were incapable on this and every other occasion of speaking with affected modesty of any incompetency which I do not feel; but I should do great injustice to myself were I to conceal the anxiety which with me, must remain inseparable from the office which I am about to fill. I cannot hope fully to accomplish the dearest wishes of my heart. I cannot expect to rise to that eminence of public service, and weight of public character which I would gladly claim for every Executive of the State of Alabama. It will be readily allowed to be a proper exercise of public virtue, to fix a high standard of political character, and to infuse into every department of civil administration, a generous ambition to attain to the excellency of that standard, at least, to make an honorable approach to it. It is the correctness of these sentiments which I might plead as the justification of my fears; for as to the minor executive duties, the ordinary routine of public service, connected with the department, they require only a good heart and a sound understanding. But to dismiss this subject, it will be sufficient to observe, that fidelity, zeal, and devotion to our common interests, I dare to promise; and whatever I am, or whatever I can become, although very limited, shall be devoted to the public service.

When we take a view of our situation as a community, it is pleasant to observe that nature itself has given us many important advantages: a fertile soil, a genial climate, extensive navigation, and a local position, which ensures or improves in the future developement of the great confederacy to which we are united. Our staple productions are also of the most convenient and valuable kinds. The points assailable by a public enemy, few, and easily defended; population possessing the virtues and intelligence which characterize the several states from which they have emigrated; and very ample means of improvement in all kinds of useful learning. With these advantages, little seems to be necessary to advance the community to an honourable and prosperous standing, but the cultivation of private virtue and political integrity. Where these cardinal blessings are found, the proper improvement of all public resources may be expected as a necessary consequence; and in the possession of these redeeming circumstances, I know not whether it be possible that a community should not be prosperous and happy. A strong impulse should therefore be given, in the commencement of our institutions, in favour of private and public morals. No policy should be established on the foundation of those virtues by which prosperity can alone be obtained or preserved. And permit me here to remark, that much of this great duty necessarily devolves on those who manage public affairs in the early stages of our progress; and thus a field is opened to them of invincible emulation and very exalted ambition.

It is elegantly expressed by one of the poets, that it is sweet and glorious *die* for our country:—May we not be permitted with equal justice to say, that it is also most honourable to *live* for our country, when in the faithful management of its public concerns, we may be justly allowed to associate with our own times, its present prosperity and future prospects of greatness and of glory. This is, indeed, the highest meed of patriotism; this the dearest and most heart-reward of the immortal Washington, and of the illustrious benefactors of mankind from the beginning of the world. It is difficult to conceive of a situation in life more enviable than this; nor do I suppose that it ought to be deemed arrogant or assuming, to propose to ourselves such an aim, or chimerical to imagine that such views could be accomplished. It is true, our success may be partial; the highest success requires uncommon talents and extraordinary conjunctures: still we may taste of the nectar, although we may not be admitted to the full feast of the gods. It is ill to make low and un aspiring calculation in the transaction of public business: for patriotism seems to connect with itself generous ardour which cannot remain in a middle region; and no doubt it were better to fail of complete success in the prosecution of great designs, than

carry into the fullest effect a system degraded by littleness in the object and in the means. More good will unquestionably be done, although the whole plan, in consequence of human imperfection, must be suffered to remain incomplete. I am led to make these observations, not in the least degree to affect your views, but to express my own. For I repose the proudest confidence in the exalted objects, patriotic feelings, and high intelligence of both branches of the General Assembly; and shall always be gratified, in my proper department, to co operate and pursue, should it never be my felicity to lead in any measure contributing to the public interest. In this co-ordinate branch of the government, I have the best hope for support in the discharge of my official duties; and in a firm dependence on your liberal aid, and the direction of that Power who condescends to superintend the affairs of men, I shall cheerfully enter upon them. The Executive communication, which you have received, distinguished for a masterly union of particular and general views, will render unnecessary, at the present session, much of my constitutional duty. I will, however, should occasion require it, communicate freely; and submit to your enlightened deliberation any measures which I may deem useful or expedient. I feel a strong interest in the important and arduous business which will engage you during your present session; and most devoutly wish, as I confidently expect, that your labours will be attended with every thing dignified in deliberation, and fortunate in the result; with every thing grateful to yourselves and satisfactory to the people. Permit me, honourable gentlemen, to express to you as their Representatives, the profound gratitude with which their confidence has inspired me. I cannot want incentives to faithfulness in their cause; and such manifestation of kindness, leads me to view the charge which I am about to undertake, as more solemn and important. Permit me also to express my profound respect and esteem for both Houses of the General Assembly.

Evening Session—3 o'clock.—Ordered, that seventy-five copies of the report of the committee of privileges and elections, made on the memorial of James G. Lyon, be printed for the use of this house.

On motion of Mr. Barton, of Mobile, *Resolved*, That the Senate be informed, that this House is ready to proceed to the election of a Judge of the County Court of Baldwin County, pursuant to a joint resolution; and also a Judge of the County Court of Franklin County: and that the west end of the Representative Chamber be assigned for their accommodation.

On motion of Mr. Vaughan, *Resolved*, That the military committee be instructed to inquire into the propriety of changing the mode of electing Brigadier Generals, so that the people generally may vote for said officers.

On motion of Mr. Warren, *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of the Tuscaloosa river.

A message from the Senate, by Mr. Lyon, their Secretary:

Mr. Speaker—The Senate concur in the resolution of your honourable body, proposing to go into the election of Judge of the County Court of Franklin County this evening; and then he withdrew.

Mr. Sims obtained leave to introduce a bill to be entitled, an act regulating the mode of summoning jurors for Green County; which was read a first time, and ordered to be read a second time on Monday next.

A bill to be entitled an act to incorporate the town of Florence, was taken up and laid on the table.

The Senate having repaired to the House of Representatives, both houses proceeded to the election of a Judge of the County Court of Baldwin county, Patrick Byrns being in nomination. Those who voted for Mr Byrns are,

Mr. President	Powell	Broadnax	Heard	Shotwell
Abercrombie	Skinner	Brown	Hickman	Sims
Ash	Sullivan	Coalter	Inge	Tate
Brown	Vanhoose	Coe	Jones	Thornton
Casey	Mr. Speaker	Coleman	Lambert	Tindall
Clay	Armbrister	Conner	Lewis	Vaughan
Crabb	Bailey of Laud.	Coopwood	Mardis	Vining
Crawford	Bailey of Mont.	Creagh	Martin of Fra.	Walthall
Erwin	Barton of Mo.	Davis	Martin of Lau.	Warren
Gaines	Barton of Tus.	Dellett	Martin of Lim.	Watson
Jackson of Au.	Baylor	Dupuy	Mead	Weissinger
Jones	Baxter	Edmondson	McLemore	White
McAmy	Benson	Fitzpatrick	Peyton	Williams—73.
Merriweather	Brandon	Fluker	Pickens	
Miller	Bridges	Hallett	Saffold	

Patrick Byrns having received seventy-three votes, the Speaker therefore declared him duly elected Judge of the County Court of Baldwin county.

Both Houses then proceeded to the election of a Judge of the County Court of Franklin county, Gregory D. Stone being in nomination.

Those who voted for Mr. Stone are,

Mr. President	Skinner	Brown	Hickman	Sims
Abercrombie	Sullivan	Coalter	Inge	Tate
Brown	Vanhoose	Coe	Jones	Thornton
Casey	Mr. Speaker	Coleman	Lambert	Tindall
Clay	Armbrister	Conner	Lewis	Vaughan
Crabb	Bailey of Lau.	Coopwood	Mardis	Vining
Crawford	Bailey of Mont.	Creagh	Martin of Fran.	Walthall
Erwin	Barton of Mo.	Davis	Martin of Lau.	Warren
Gaines	Barton of Tus.	Dellett	Martin of Lim.	Watson
Jackson of Au.	Baylor	Dupuy	Mead	Weissinger
Jones	Baxter	Edmondson	McLemore	White
McAmy	Benson	Fitzpatrick	Peyton	Williams—72
Merriwether	Brandon	Fluker	Pickens	
Miller	Bridges	Hallett	Saffold	
Powell	Broadnax	Heard	Shotwell	

Gregory D. Stone having received seventy-two votes, Mr Speaker therefore declared him duly elected Judge of the County Court of Franklin county. The Senate then withdrew.

Ordered, that the House be adjourned till Monday morning 10 o'clock.

Monday, November 28.

Mr. Davis presented the record and proceedings of the circuit court of Franklin county, setting in chancery, in the case of Asa Gaugh vs. Sally Gaugh, which was read and referred to the committee on divorce and alimony.

Mr. Williams, from the committee on privileges and elections, to whom was referred the credentials of the members of this House, have examined the same in part, and find the following members are duly returned, and entitled to their seats in this House: to wit,

Stephen Heard, Milcijah Vaughan, Wm. Brandon, Nimrod E. Benson, Wm. McLemore, John S. Bailey, John Brown, Walker K. Baylor, John M. Dupuy, Charles Lewis, Henry Armbrister, John Baxter, Daniel Peyton, Peter Martin, James Davis, Wm. C. Watson, Phil. Fitzpatrick, Phil. Coleman, Samuel W. Mardis, Robt. H. Warren, James C. Neil, Julius Sims, Edward J. Lambert, Nathan Cook, Jonathan Jones, John G. Creagh, John W. Bridges, Eldridge S. Greening, Samuel W. Oliver, William Fluker, Willoughby Barton, Thomas L. Hallett, James Saffold, George Coalter, James Dellett, John W. Moore, Bowley

Conner, Marmaduke Williams, John L. Tindall, Richard Inge, Seth Barton, George Shotwell, Joseph Coe, Geo. Weissinger, R. B. Walthall, Joseph Pickens, Marston Mead, Henry King, and John Vining; in which report the House concurred.

Mr. Martin of Limestone, to whom was referred the petition of John Booth, reported a bill to be entitled an act to change the names of, and legitimate certain persons therein named, which was read a first time, and ordered to be read a second time to-morrow.

Mr. Mardis presented the account of the coroner of Shelby county, which was read and referred to the committee on accounts.

Mr. Mardis presented the account of John Lawler, of Shelby county, which was read and referred to the committee on accounts.

Mr. Mardis presented the account of Joseph Varnell, constable, which was read and referred to the committee on accounts.

Mr. Davis from the select committee, to whom was referred the petition of George Lyle, reported a bill to be entitled an act, authorizing George Lyle to emancipate a certain slave therein named, was read a first time, and ordered to be read a second time to-morrow.

Mr. Dellett obtained leave to introduce a bill, to be entitled an act to repeal the sixth section of an act, entitled an act concerning writs of error, passed Dec. 1820; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Martin, of Limestone, obtained leave to introduce a bill, to be entitled an act for the removal and permanently to locate the seat of government for the state of Alabama, agreeably to the twenty-ninth section of the third article of the Constitution; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Speaker laid before the house, the annual report of the treasurer of this state; which was read and referred to the committee on ways and means. Ordered, that one hundred copies thereof be printed for the use of the House.

Mr. Oliver, Chairman of the committee of the whole house, on the Governor's message, reported to this house, for its adoption, the following resolutions, disposing of the various subjects embraced in said communication:

Resolved, That so much of the Governor's message as relates to the compensation of the circuit judges, and the establishment of separate courts of chancery and a distinct supreme court, be referred to the judiciary committee.

Resolved, That so much of the Governor's message as relates to the location of the permanent seat of government, be referred to a select committee, consisting of Messrs. Mardis, Pickens, Barton of Tusc. Dellett and Thornton.

Resolved, That so much of the Governor's message as relates to the location of the university, and the funds thereof, be referred to the committee on schools, colleges, and school and university lands.

Resolved, That so much of the Governor's message as relates to the state bank, the establishing of a branch thereof, and the dissolution of the Huntsville bank, be referred to the committee on the state bank.

Resolved, That so much of the Governor's message as relates to the expenditures on account of the reception of General Lafayette, togeth-

or with the accompanying documents, be referred to the committee on accounts.

Resolved, That so much of the Governor's message as relates to the militia laws, be referred to the military committee.

Resolved, That so much of the Governor's message as relates to the counties of Jackson and Decatur, be referred to the committee on county boundaries.

Resolved, That so much of the Governor's message as relates to the dividing line between this and the state of Georgia, together with the accompanying documents, be referred to a select committee, consisting of Messrs. Benson, Lewis, and Oliver.

Resolved, That so much of the Governor's message as relates to the unsettled accounts with the state of Mississippi, with the accompanying documents, be referred to the committee on accounts.

Resolved, That so much of the Governor's message as relates to the communications from other states, on the subject of emancipation and colonization, together with the accompanying documents, be referred to a select committee, consisting of Messrs. Barton of Tusc. Dellett, Creagh, and Brandon.

Resolved, That so much of the Governor's message as relates to the improvement of the military road, be referred to the committee on roads, bridges and ferries.

Resolved, That so much of the Governor's message as relates to the subject of connecting the waters of Tennessee with the waters of the Alabama, as also what may relate to the Muscle Shoals, together with the accompanying documents, be referred to the committee on inland navigation.

Resolved, That so much of the Governor's message as relates to the altering the mode of electing the chief magistrate of the nation, be referred to a select committee, consisting of Messrs. Creagh, Pickens, and Crenshaw.

Resolved, That so much of the Governor's message as relates to the Indian tribes residing within the limits of this state, be referred to a select committee, consisting of Messrs. Williams, Brandon, and Bailey of Montgomery.

Resolved, That so much of the Governor's message as relates to the report of the agent heretofore appointed to examine and lease the Salt Springs, together with the accompanying documents thereof, be referred to a select committee, consisting of Messrs. Barton of Mo. Martin of Frank. and Vining.

Resolved, That so much of the Governor's message as relates to a letter from the Governor of the state of Tennessee, respecting the improvement of the navigation of the Tennessee river at the Muscle Shoals, and the opening a communication between the Tennessee and Alabama waters, be referred to the committee on inland navigation.

On motion of Mr. Williams, the House went into the consideration of the report on the memorial of James G. Lyon.

On motion of Mr. Morton, *ordered*, that said report and resolution lie on the table.

Ordered, that the House be adjourned until to-morrow morning 10 o'clock.

Tuesday, November 29.

Mr. Lewis presented the petition of George Whitten, praying the passage of a law granting him a reward ; which was read and referred to the committee on propositions and grievances.

Mr. Lewis presented the petition of sundry inhabitants of Jackson county, praying the passage of a law appointing commissioners ; which was read and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. M'Lemore presented the petition of William Moody, praying the passage of a law to legitimate and change the name of a certain person therein named ; which was read and referred to the committee on propositions and grievances.

Mr. Dellett, from the judiciary committee, made the following report, to wit: The judiciary committee, to whom was referred a resolution, directing them to inquire into the practicability of extending the boundaries of the counties of Jackson and Decatur into the Cherokee Territory, within the limits of this state, reported, that the legislature has no control over the subject matter of the resolution in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred the petition of James Trotter, praying to be exempt from the operation of certain laws therein specified, reported, that the prayer of the said James is unreasonable and ought not to be granted ; in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred the petition of Charles Batre, by his attorney, A. Batre, administrator of the estate of John Francis Duchemen, praying the passage of a law, authorizing the sale of certain real estate therein described, reported, that the prayer of the petitioner is unreasonable and ought not to be granted : in which report the House concurred.

Mr. Dellett, from the judiciary committee to whom was referred the petition of John F. Everett and James P. Bates, praying the passage of a law compelling the plaintiff or defendant to give security for costs on the commencement of suits in the courts of law and equity, and also the petition of sundry inhabitants of the county of Lawrence on the same subject, and praying the same legislative interference, reported that the prayer of the petitioners ought not to be granted : in which report the House concurred.

Mr. Dellett, from the judiciary committee to whom was referred the resolution directing them to inquire into the expediency of repealing all laws relating to commissioners of Roads and Revenue, and to vest in the justices of the peace, in each and every county the power to perform the duties now required of said commissioner reported that the provisions contemplated by the resolution inexpedient : in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred the petition of Andrew M'Bride, administrator of the estate of Henry Olcott, deceased, praying for the passage of a law authorizing the sale of certain real estate therein mentioned, reported that the prayer of the petitioner is unreasonable, and ought not to be granted : in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred petition of Daniel Carpenter and Edward Handrick, adm'rs of the estate of Benj. H. Hall, deceased, praying the passage of a law authorizing the sale of certain real estate therein mentioned, *reported* that the prayer of the petitioners is unreasonable, and ought not to be granted: in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred petition of Anna W. Washburn, adm'x of the estate of James G. Washburn, deceased, praying the passage of a law authorizing the sale of certain real estate therein mentioned, *reported* that the prayer of the petitioners is unreasonable, and ought not to be granted: in which report the House concurred.

Mr. Speaker laid before the House the annual report of the Comptroller of public accounts, which was read and referred to the committee on ways and means. *Ordered*, that 200 copies thereof be printed for the use of this House.

A. Vining, from the committee on propositions and grievances, who was referred the petition of the representatives of James Gilliland, deceased, *reported* a bill to be entitled an act to authorize the administrator of James Gilleland, deceased, to sell real estate, which was read a 1st time, & ordered to be read a 2d time on Thursday next.

Mr. Morton, from the committee appointed to wait on his Excellency *ISRAEL PICKENS*, late Governor of this State, informing him that the House of Representatives had adopted a resolution expressing its appreciation and thanks for the dignified manner in which he had discharged the duties of Governor, during the four years of his administration, *reported*, that they have performed that duty, and received for answer the following communication, which was, on motion, *ordered* to be spread on the Journal of this House:

Cahawba, November 26, 1825.

Gentlemen—I will please to communicate to the House of Representatives my grateful acknowledgements for the kind sentiments of approbation expressed in their Resolution which you have presented to me. On a conjuncture so affecting to myself that which dissolves the political connexion with that lightened body which represents the will and the wisdom of the people, I can receive no testimonial more highly valued, nor attended with more lasting consolation to me, than their favourable sentiments in regard to my official services during the period which we have been fellow-labourers in the same cause. You will please to present to the House of Representatives my assurances of respect and high consideration; and accept for yourselves my kind salutation.

(Signed.)

ISRAEL PICKENS

The Honourable (Morton and J. L. Martin,
committee of the House of Representatives.

On motion of *Mr. Barton*, of Mobile, *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of providing by law for obtaining correct knowledge of the several subjects proper for improvement, in relation to the navigable waters of this State; and for making a systematic and economical application of the means provided, or to be provided, for those objects.

On motion of *Mr. Barton*, of Mobile, *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of providing by law for the better security of public revenues, by more prompt and sufficient remedies against delinquent tax-collectors.

others charged with the collection and disbursement of public monies, and their securities.

On motion of Mr. Morton, *Resolved*, That the Senate be requested to assemble in the Representative Hall this day, at the hour of 3 o'clock P. M. for the purpose of electing a Public Printer, and Judges of the County Courts of Jefferson and Shelby counties; and that the west end of the Hall be assigned for their accommodation.

On motion of Mr. Williams, *Resolved*, That the Secretary of State lay before the House the census of the white population of each county in this State, taken in the year 1820, and in the year 1824.

Mr. Baxter obtained leave to introduce a bill to be entitled, an act declaring Paint Rock River a public highway; which was read a first time, and ordered to be read a second time to-morrow.

Mr. Dellett obtained leave to introduce a bill to be entitled, an act the more effectually to prevent trading with slaves; which was read a first time, and ordered to be read a second time to-morrow.

The House resumed the consideration of the report and resolution of the committee on privileges and elections, to whom was referred the memorial of James G. Lyon. Mr. Greening moved to strike out the whole of the resolution after the word "*Resolved*," which was carried. The House adjourned until half past 3 o'clock.

Evening Session.—The House again resumed the consideration of the report and resolution of the committee on privileges and elections, to whom was referred the memorial of James G. Lyon. Mr. Creagh moved to amend said resolution, by inserting the following in lieu of the words stricken out in Mr. Greening's motion: "That P. T. Harris, Esq. is not entitled to the seat now occupied by him on this floor, as the representative from Washington county; which was decided in the affirmative—yeas 41, nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Edmondson	Martin of Fra.	Shotwell
Armbrister	Brown	Fitzpatrick	Martin of Lim.	Thornton
Barton of Mo.	Coe	Fluker	Martin of Lau.	Tindall
Barton of Tus.	Cook	Greening	McLemore	Walthall
Baylor	Coopwood	Inge	M'Neill	Watson
Baxter	Creagh	King	Peyton	Weissinger
Benson	Davis	Lewis	Pickens	White
Brandon	Dupuy	Mardis	Saffold	Williams 41--
Bridges				

Those who voted in the negative, are

Mr. Bailey of L.	Crenshaw	Jones	Moore	Tate
Bailey of Mout.	Dellett	Lambert	Neill	Vaughan
Coalter	Hallett	Mead	Olver	Vining
Coleman	Heard	Morton	Sims	Warren—22
Conner	Hickman			

Mr. Barton of Tusc. moved to further amend said resolution by inserting the following: "*Resolved* 2dly, That James G. Lyon is entitled to a seat in this House from Washington county;" which was decided in the affirmative—yeas 33, nays 30.

Those who voted in the affirmative, are

Mr. Speaker	Bridges	Greening	McLemore	Tindall
Armbrister	Brown	Inge	M'Neill	Walthall
Barton of Tus.	Creagh	Lewis	Peyton	Watson
Baylor	Davis	Mardis	Pickens	Weissinger
Baxter	Edmondson	Martin of Fra.	Saffold	White
Benson	Fitzpatrick	Martin of Lau.	Thornton	Williams—33
Brandon	Fluker	Martin of Lim.		

Those who voted in the negative, are

Mr. Bailey of L.	Coleman	Dupuy	Lambert	Shotwell
Bailey of Mont	Cook	Hallett	Mead	Sims
Barton of Mo.	Conner	Heard	Moore	Tate
Broaduax	Cowwood	Hickman	Morton	Vaughan
Coalter	Crenshaw	Jones	Neill	Vining
Coe	Dellott	King	Oliver	Warren—30

On motion of Mr. Baylor, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of regulating contested elections by other and more general regulations than the existing laws afford, with leave to report by bill or otherwise.

Engrossed bills of the following titles, to wit:

A bill to be entitled an act, for the relief of the principal Pilots of Mobile Bay; An act to emancipate John Robinson, a slave; were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the titles be changed from that of bills to that of acts. *Ordered*, that the clerk acquaint the Senate therewith.

Bills of the following titles, to wit:

An act authorizing the county court of Limestone county to make certain allowances therein named; An act regulating the mode of summoning jurors for Greene county; were severally read a second time and ordered to be engrossed for a third reading.

On motion of Mr. Moore, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing a law by which sheriffs, coroners and constables shall be prevented from being the purchasers of property, either directly or indirectly, sold by them respectively.

Mr. Martin of Lime. obtained leave to introduce a bill to be entitled an act, altering the manner of executing of scire facias; which was read a first time, and ordered to be read a second time to-morrow.

Ordered, That the House be adjourned until to-morrow morning 10 o'clock.

Wednesday, November 30.

Mr. Mead obtained leave to introduce a bill to be entitled an act, provide for the payment of petit jurors in the county of Blount, ar other purposes; which was read a first time, and ordered to be read second time to-morrow.

Mr. Coe presented the petition of sundry inhabitants of Lawrence county, praying the passage of a law making alterations in a road which was read and referred to a select committee, consisting of Messrs. Coe, Martin of Lime. and Davis.

James G. Lyon, a member from Washington county, appeared, was qualified, and took his seat.

Mr. Mardis presented the account of Ezekiel King, sheriff of Shelby county, which was read and referred to the committee on accounts.

Mr. Martin of Land. presented the account of Joseph M. Baker, sheriff of Lauderdale county, which was read and referred to the committee on accounts.

Mr. Tate, from the committee on inland navigation, to whom was referred a resolution of this House instructing them to inquire into the expediency of amending an act for improving the navigation of the port and harbor of Mobile, reported a bill to be entitled an act for im

proving the navigation of the port and harbor of mobile, which was read a first time and ordered to be read a 2d time tomorrow.

Mr. Warren obtained leave to introduce a bill to be entitled an act to prevent the removal of cattle up the country at certain seasons of the year, which was read a first time, and ordered to be read a 2d time to-morrow.

Mr. Heard obtained leave to introduce a bill to entitled an act to alter the times of holding the county courts in the county of morgan, which was read a first time and ordered to be read a 2d time to-morrow.

Mr. Coe presented the petition of matt. Armstrong, praying the passage of a law to legitimate and change the name of a certain person therein named, which was read and referred to the committee on propositions and grievances.

Mr. Vining from the committee on propositions and grievances, to whom was referred the petition of Leasa Lewis, *reported* a bill to be entitled an act for the relief of Leasa Lewis, which was read a first time; and the rule requiring all bills to be read on three several days being dispensed with by four-fifths of the members present, it was read the second time forthwith, and referred to the judiciary committee.

Ordered, that *Mr. Broadnax* be added to the committee on propositions and grievances.

Ordered, that messrs. Coalter, martin of Frank. mardis, and Barton of mobile be added to the judiciary committee.

Ordered, that messrs. martin of F. and Oliver be added to the committee on schools, colleges & universities, & school & university lands.

The Speaker laid before the House the census of the white population of this State for the years 1820 and 1824. *Ordered*, That 100 copies thereof be printed for the use of this House.

Ordered, That *Mr. Coalter* be added to the committee on inland navigation.

Mr. Coopersod. from the select committee to whom was referred the petition of Harvey Dillahunt, Administrator of John L. Viser, deceased., reported a bill to be entitled, an act to authorize Harvey Dillahunt, Administrator of John L. Viser, deceased, to sell the certificate for a quarter section of land therein described; which was read a first time, and ordered to be read a second time to-morrow.

A bill to be entitled, an act to authorize the Adminiistrators of the estate of John Bell, deceased, late of the county of Conecuh, to convey certain real estate therein named, was taken up. *Mr. Greening* moved to amend said bill by adding thereto a preamble, which was carried. *Ordered*, That said bill be committed to the judiciary committee.

Ordered, That *Mr. Benson* be added to the bank committee.

Engrossed bills of the following titles, to wit:

An act authorizing the county court of Limestone county, to make certain allowances therein named; An act regulating the mode of summoning jurors for Greene county; were severally read a third time and passed. *Ordered*, That the titles be as aforesaid. *Ordered*, That the titles be changed from that of bills to that of acts. *Ordered*, That the clerk acquaint the Senate therewith.

A bill to be entitled an act, to change the name of, and legitimate, certain persons therein named, was read a second time. *Mr. Martin* of

Laud. moved to amend said bill, by adding thereto an additional section—which was adopted. *Ordered*, That said bill lie on the table.

On motion of **Mr. Barton of Tusc.** *Resolved*, That the judicial committee be instructed to inquire into the expediency of so amending the law respecting leases, as will more effectually secure the landlord the reception of the rents.

A message from the Senate, by **Mr. Lyon**:

MR. SPEAKER—The Senate have adopted the following resolution in which they desire your concurrence: *Resolved*, That a joint committee of three members, be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to examine into the situation of the state arsenal and the state arms therein, with leave to report by bill or otherwise. They have appointed on their part, Messrs. Crabb, Clay and Irwin; and then he withdrew. In which resolution the House concurred; whereupon Messrs. Davis, Greening and Broadnax were appointed said committee.

On motion of **Mr. Hallett**, *Resolved*, That the committee on the state bank be instructed to examine the Charter of the Bank of the State of Alabama, for the purpose of ascertaining whether it is expedient, at this session of the general assembly, to amend the said Charter for the more effectual security of the public funds of this state, and that said committee be also instructed to report to this house by bill or otherwise.

Ordered, That **Mr. Broadnax** be added to the military committee.

Bills of the following titles: to wit,

A bill to be entitled an act, authorizing **George Lile** to emancipate a certain slave therein named; A bill to be entitled an act, for the removal and permanently to locate the seat of government for the state of Alabama, agreeable to the twenty-ninth section of the third article of the constitution; A bill to be entitled an act, to establish an election precinct in the county therein named; A bill to be entitled an act, to establish certain election precincts therein named; were severally read a second time and ordered to lie on the table.

A bill entitled an act, to repeal the sixth section of an act, entitled an act, concerning writs of error, passed December, 1820, was read a second time and committed to the judiciary committee.

A bill to be entitled an act, to emancipate certain persons therein mentioned was read a second time and referred to the judiciary committee.

A bill to be entitled an act, providing for the registration of deeds, grants, &c. &c. was read a second time, and referred to the judiciary committee.

A bill to be entitled an act, to give justices of the peace jurisdiction of breaches of the peace, was read a second time. **Mr. Creagh** moved that the further consideration thereof be postponed till the first Monday in June next; which was decided in the affirmative—yeas 41 nays 22.

The yeas and nays being called, those who voted in the affirmative, are

Mr. Speaker	Coe	Fitzpatrick	Lyon	Oliver
Bailey of M.	Cook	Fluker	Mardis	Pickens
Barton of Mo.	Conger	Greening	Martin of Li.	Saffold
Barton of Tus	Creagh	Hickman	Mead	Sims, Tate
Benson	Crenshaw	Inge	McLemore	Thornton
Brandon	Dellott	Jones	McNeill	Vaughan
Bridges	Dupuy	King	Moore	Vining
Coalter	Edmondson	Lambert	Neill	Warren—41

Those who voted in the negative, are

Mr. Armbrister	Clenden	Lewis	Peyton	Watson
Baylor	Coopwood	Martin of Fr.	Shotwell	Weisinger.
Baxter	Davis	Martin of La.	Tindall	White,
Broadnax	Hallett	Morton	Walthall	Williams—22
Brown	Heard			

Mr. Bridges presented the account of Ephraim Pharr, sheriff of Wilcox county, which was read and referred to the committee on accounts.

A bill to be entitled an act, declaring Paint Rock River a public highway, was read a second time and referred to the committee on inland navigation.

A bill to be entitled, an act altering the manner of executing Scire Facias, was read a second time, and referred to the Judiciary Committee.

On motion of Mr. Thornton, *Resolved*, That the Judiciary Committee be requested to inquire into the expediency of repealing so much of the law passed on the 18th December, 1812, entitled, an act concerning the assignment of Bonds, Notes, &c. and for other purposes; as read in the following words: "as in cases of Inland Bills of Exchange;" which words are the concluding words of the first section of the above recited act.

On motion of Mr. Martin, of Frank. *Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of passing a law authorizing the Circuit Court to dismiss from office Justices of the Peace, and Constables, who may be convicted by a Jury of malpractice or gross negligence in office.

A bill to be entitled, an act the more effectually to prevent trading with slaves, was read a second time, and referred to the Judiciary Committee.

A bill to be entitled, an act appointing a commissioner for the town of Monticello, in the county of Pike, and for other purposes, was read a second time. Mr. Mead moved to amend said bill by adding thereto an additional section, which was adopted. *Ordered*, That the same be engrossed for a third reading.

On motion of Mr. Barton of Mobile, *resolved* that the judiciary committee be instructed to inquire into the expediency of revising, amending and reducing into one, the several acts now of force in relation to the office, powers and duties of justices of the peace and constables, with leave to report by bill or otherwise.

On motion of Mr. Oliver, *resolved* that the committee on county boundaries be directed to inquire into the expediency of making a new county, by taking part from the counties of Conecuh, Monroe, Wilcox and Butler, and that they have leave to report by bill or otherwise.

Ordered that Mr. Heard be added to the judiciary committee.

Ordered that Mr. Moore be added to the com. on county boundaries.

The House adjourned until to-morrow morning 10 o'clock.

Thursday, December 1, 1825.

Mr. Moore presented the petition of sundry inhabitants of Monroe county, praying the passage of a law authorizing the sale of the 16th section of land in said county, which was read and referred to the committee on schools, colleges, and universities, and school and university lands.

Mr. Creagh presented the petition of Wm. R. Parker, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to a select committee, consisting of Messrs. Creagh, Moore, and Barton of Mobile.

Mr. Vining laid before the House the record and proceedings of the circuit court of Madison county exercising chancery jurisdiction, in the case of Sally Roundtree vs. William Roundtree; which was read, and referred to the committee on divorce and alimony.

Mr. Fitzpatrick, from the committee on propositions and grievances, to whom was referred the petition of the judge of the county court, and commissioners of the roads and revenue, and other citizens of Butler and Autauga counties, to alter the mode of appointing assessors and collectors of taxes, reported a bill to be entitled, an act to alter the mode of appointing assessors and tax collectors; which was read a first time, and ordered to be read a second time.

Mr. Fitzpatrick, from the committee on propositions and grievances, to whom was referred the petition of Lewis Howser, reported a bill to be entitled, an act for the relief of Lewis Howser; which was read a first time, and ordered to be read a second time.

Mr. Fitzpatrick, from the committee on propositions and grievances, to whom was referred the petition of David Tuppance, reported a bill to be entitled, an act to change the name of David Tuppance; which was read a first time, and ordered to be read a second time.

Mr. Fitzpatrick, from the committee on propositions and grievances, to whom was referred the petition of William Moody, reported a bill to be entitled an act, to change the name of, and legitimate, James Burn; which was read a first time and ordered to be read a 2d time.

A message from the Senate, by Mr. Lyon, their secretary:

Mr. Speaker—The Senate concur in the resolution of your honorable body, proposing to go into the election of a state printer and judges of the county courts of Jefferson and Shelby counties; and have amended the same, by striking out the words “this day, at the hour of three o’clock P. M.” and inserting in lieu thereof, the words “on this the 1st December, at the hour of three o’clock, P. M.”—in which they desire your concurrence. They have read three times and passed bills which originated in their house, entitled, An act to repeal in part an act, approved December 15, 1824, declaring Flint river, in Morgan county, a public highway; An act to repeal in part an act, entitled an act, to establish certain counties therein named and for other purposes, passed December 17, 1821, and for other purposes—in which they also desire your concurrence; and then he withdrew. In which amendment the House concurred.

Ordered, That the clerk acquaint the Senate therewith.

Mr. Moore from the select committee, to whom was referred the petition of Isaac Jordon, reported a bill to be entitled an act, to authorize Isaac Jordon to emancipate a certain slave therein named; which was read a first time and ordered to be read a second time.

Engrossed bills from the Senate of the following titles, to wit:

An act to repeal in part an act, approved December 15, 1824, declaring Flint river, in Morgan county, a public highway; An act to repeal in part an act, entitled an act, to establish certain counties therein

named and for other purposes, passed December 17, 1821, and for other purposes; were severally read a first time and ordered to be read a second time.

Mr. Morton, from the select committee to whom was referred a bill to be entitled an act, to prohibit the further granting licenses for gaming tables, reported in lieu thereof, a bill to be entitled an act, to prohibit the further granting licenses for gaming tables; which was read a second time and ordered to be engrossed for a third reading.

Mr. Davis obtained leave to introduce a bill to be entitled an act, to locate the university of the state of Alabama; which was read a first time and ordered to be read a second time.

On motion of *Mr. Morton*, Resolved, that a committee of three members be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to memorialize the Congress of the United States, relative to the lands owned and occupied by citizens of this state, which has not yet been paid out of the office; whereupon, *Messrs. Morton, Davis and Greening* were appointed.

Ordered, That *Mr. Creagh* be added to the judiciary committee.

On motion of *Mr. Walthall*, Resolved, That there be appointed a special committee, for the purpose of inquiring into the expediency of revising, consolidating and amending the several acts relative to the roads, bridges, ferries and highways in this state; with leave to report by bill or otherwise—whereupon, *Messrs. Walthall, Moore, Baylor and Creagh* were appointed.

On motion of *Mr. Benson*, Resolved, That the judiciary committee be instructed to inquire into the expediency of prescribing some method by law, whereby free negroes, under the age of twenty-one years, may be bound out, and that they have leave to report by bill or otherwise.

Mr. Lewis obtained leave to introduce a bill to be entitled an act, to establish a permanent seat of justice for the county of Jackson and for other purposes; which was read a first time and ordered to be read a second time.

A bill to be entitled, an act to provide for the payment of petit jurors in the county of Blount, was read a second time. *Mr. Bailey*, of Mont. moved to amend said bill, by adding the words “and Montgomery,” which was adopted. Ordered, That said bill be referred to the judiciary committee.

A bill to be entitled, an act for improving the navigation of the port and harbour of Mobile, was read a second time, and ordered to be engrossed for a third reading.

On motion of *Mr. Morton*, Resolved, That the committee on propositions and grievances be instructed to inquire into the expediency of passing a law prohibiting the introduction of slaves to this State, with leave to report by bill or otherwise.

A bill to be entitled, an act to prevent the removal of cattle up the country at certain seasons of the year, was read a second time. *Mr. Moore* moved that the further consideration of said bill be indefinitely postponed; which was carried.

Mr. Thornton moved the following resolution: Resolved, That the committee on roads, bridges, and ferries be instructed to examine into

the propriety of amending the laws relating to public ferries, so as that in all cases where the owner of a ferry has complied with the law, by providing a good and sufficient boat, and giving the bond required, it shall be unlawful for any person, or persons, other than the owner of such public ferry, to convey, or cause to be conveyed, any goods or effects other than his, her, or their own, over any water course within — miles of any such public ferry, either with or without compensation which was lost.

A bill to be entitled, an act to alter the times of holding the county courts in the county of Morgan, was read a second time, and ordered to be engrossed for a third reading.

Bills of the following titles : to wit,

An act to authorize the administrators of James Gilleland, deceased; an act to authorize Harvey Dillahunt, Administrator of the estate of John L. Viser, deceased, to sell the certificate for a quarter section of land therein described,—were severally read a second time, and referred to the judiciary committee.

Engrossed bill to be entitled, an act to appoint a commissioner for the town of Montecello, in the county of Pike, and for other purposes, was read a third time, and passed. *Ordered*, That the title be changed from that of a bill to that of an act. *Ordered*, That the same be sent to the Senate for their concurrence.

On motion of Mr. Cook, *Resolved*, That the committee on roads, bridges, and ferries be instructed to inquire into the expediency of devising some plan by which the Federal Road from Fort Dale to Durant's shall be repaired, and kept in repair, with leave to report by bill or otherwise. The House adjourned till half past 2 o'clock.

Evening Session.—Mr. Coalter offered the following resolution, *Resolved*, That a committee be appointed by this House, to act with such committee as may be appointed by the Senate, to wait on Mr. Bailey of Lauderdale, a member of this House, absent and confined through indisposition, and receive his vote in the election for state printer; which was adopted—yeas 27, nays 25.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Edmondson	Heard	McLemore
Armbrister	Brown	Fitzpatrick	King	Peyton
Bailey of Mt.	Coalter	Floker	Lambert	Vaughan
Barton of Mo.	Coleman	Greening	Lyon	Weissinger
Barton of Tus	Conner	Hallett	Lewis	Warren—27
Baxter	Dupuy			

Those who voted in the negative, are

Mr. Baylor	Creagh	Mardis	Pickens	Thornton
Benson	Crenshaw	Martin of Fr.	Saffold	Vining
Brandon	Davis	Mead	Shotwell	Watson
Cook	Hickman	Neill	Sims	White
Coopwood	Jones	Oliver	Tate	Dellest—25

Whereupon Messrs. Coalter, Coopwood, and King were appointed said committee.

Mr. Mardis, from the select committee to whom was referred so much of the Governor's message as relates to the removal and permanent location of the seat of government of the State of Alabama, made the following report: *Resolved*, That it is expedient to remove the

seat of government of the State of Alabama from the town of Cahawba. *Resolved*, That it is expedient that the permanent seat of government be located within — miles from the State-House in the town of Cahawba. *Resolved*, That commissioners be appointed for the purposes of examining and reporting to this House a proper place to locate the seat of government of the State of Alabama; and that their examination be confined within — miles of the town of Cahawba. *Ordered*, That said report lie on the table.

On motion of Mr. Barton, of mobile, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing for an extra term of the Circuit Court of mobile, Jefferson, Baldwin, and Jackson counties; and of making the same a term for the service and return of original process.

On motion of Mr. Morton, *Resolved*, That the Senate be invited to assemble in the Representative Hall, for the purpose of electing a Public Printer, and Judges of the county courts of Jefferson and Shelby counties, agreeable to a former resolution; and that the west end of the House be appropriated for their reception.

On motion of Mr. Hickman, *Resolved*, That the Comptroller of Public Accounts be requested to lay before this House a more particular statement of public defaulters than that shown in his general report, specifying, as far as he possesses the means of information, who among them are insolvent, and without sufficient security; who are supposed to be solvent; and particularly what steps have been taken on the part of this State to compel payment; and how far suits against defaulters have progressed towards judgment.

Mr. Coopwood moved the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of having three sessions of the circuit court in each county annually; and if not in each county, what counties it would be necessary for the courts to set three times; which was lost.

The Senate having repaired to the House of Representatives, both Houses proceeded to the election of a public printer for the next ensuing twelve months; William B. Allen and Lumpkin & Dodson being in nomination. Those who voted for Mr. Allen, are

Mr. Ash	Sullivan	Coopwood	Lewis	Saffold
Casey	Vanhoose	Crenshaw	Martin of Fr.	Shotwell
Irwin	Mr. Speaker	Davis	Martin of La.	Sims
Gaines	Armbrister	Dellett	McLemore	Vining
Jackson of A.	Benson	Fitzpatrick	McNeill	Walthall
Jones	Baxter	Fluker	Moore	Warren
McCamy	Brandon	Greening	Neill	Watson
Merriwether	Bridges	Jones	Peyton	Weissinger
Miller	Coleman	King	Pickens	White—46
Skinner				

Those who voted for Lumpkin & Dodson, are

Mr. President	Mr. Bailey of L.	Coe	Hickman	Morton
Abercrombie	Bailey of Mt.	Cook	Inge	Oliver
Bagby, Brown	Barton of Mo.	Conner	Lambert	Tate
Clay	Barton of Tus	Creagh	Lyon	Thornton
Crawford	Baylor	Dupuy	Mardis	Tindall
Jackson of L.	Broadnax	Hallett	Martin of Li.	Vaughan
Powell	Coalter	Heard	Mead	Williams—36

Mr. Crabb voted for Mr. Eastin, and Mr. Edmondson for Mr. Grantland.

William B. Allen having received a majority of votes, Mr. Speaker declared him duly elected public printer for the ensuing twelve months. Both Houses then proceeded to the election of a Judge of the county court of Shelby county; Joel Loller being in nomination—for Mr. Loller 84. Those who voted Mr. Loller,

Mr. President	Powell	Coe	Inge	Peyton
Abercrombie	Skinner	Coleman	Jones	Pickens
Ash	Sullivan	Cook	King	Saffold
Bagby	Vanhoose	Conner	Lambert	Shotwell
Brown	Mr. Speaker	Coopwood	Lewis	Sims
Casey	Armbrister	Creagh	Lyon	Tate
Clay	Bailey of Mont.	Crenshaw	Mardis	Thornton
Crabb	Barton of Mo.	Davis	Martin of Fra.	Tindall
Crawford	Barton of Tus.	Dellett	Martin of Lau.	Vaughan
Irwin	Baylor	Dupuy	Martin of Lim.	Vining
Gaines	Baxter	Edmondson	Mead	Walthall
Jackson of Au.	Benson	Fitzpatrick	McLemore	Warren
Jackson of La.	Brandon	Fluker	McNeill	Watson
Jones	Bridges	Greening	Moore	Weissinger
McAmy	Broadnax	Hallett	Morton	White
Merriwether	Brown	Heard	Neill	Williams—84.
Miller	Coalter	Hickman	Oliver	

Joab Loller having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court of Shelby county. Both Houses then proceeded to the election of a Judge of the county court of Jefferson county; Peter Walker and William K. Paulding being in nomination—for Peter Walker 52, William K. Paulding 32. Those who voted for Peter Walker, are

Mr. President	Jackson of La.	Broadnax	Hickman	Sims
Abercrombie	Jones	Brown	Inge	Tate
Ash	Merriwether	Coe	Jones	Thornton
Bagby	Powell	Coleman	Lambert	Tindall
Brown	Skinner	Cook	Mead	Vaughan
Clay	Vanhoose	Creagh	McLemore	Vining
Crabb	Bailey of Mont.	Crenshaw	Moore	Warren
Crawford	Barton of Mo.	Dupuy	Morton	Weissinger
Irwin	Barton of Tus.	Edmondson	Oliver	
Gaines	Baylor	Hallett	Saffold	
Jackson of Au.	Benson	Heard	Shotwell	

Those who voted for William K. Paulding, are

Mr. Casey	Brandon	Fitzpatrick	Martin of Fran.	Walthall
McAmy	Bridges	Fluker	Martin of Lau.	Watson
Miller	Coalter	Greening	Martin of Lim.	White
Sullivan	Conner	King	McNeill	Williams
Mr. Speaker	Coopwood	Lewis	Neill	
Armbrister	Davis	Lyon	Peyton	
Baxter	Dellett	Mardis	Pickens	

Mr. Peter Walker having received a majority of votes, Mr. Speaker declared him duly elected Judge of the county court of Jefferson county. The Senate withdrew. The House adjourned till to-morrow morning 10 o'clock.

Friday, December 2.

Mr. Lambert presented the petition of sundry inhabitants of Baldwin county praying the passage of a law, declaring the road between Durant's and Blakely a state road; which was read and referred to the committee on roads, bridges and ferries.

Mr. Morton, from the committee on county boundaries to whom was referred so much of the Governor's Message as relates to the counties of Jackson and Dade, Reported, That they ask leave to be discharged from the further consideration of the same. In which report the House concurred.

Mr. Morton, from the committee on county boundaries to whom was referred the petition of sundry inhabitants of the counties of Henry and Dale, reported a bill to be entitled an act, to establish the boundary lines between certain counties therein named; which was read a first time and ordered to be read a 2d time

Mr. Morton from the committee on county boundaries to whom was referred the petition of sundry inhabitants of Pike county, praying to be added to the county of Butler, *reported* that it is not at this time expedient to grant the prayer of the same ; in which the House concurred.

Mr. Dellett from the judiciary committee to whom was referred a bill to be entitled an act to authorize Abel Davis, adm'r of Daniel Davis, deceased, to sell certain real estate, *reported* the same to this House without amendment ; in which report the House concurred.

Mr. Dellett from the judiciary committee to whom was referred a bill to be entitled an act altering the manner of executing scire facias, *reported* the same with the following amendment, viz. in first section and 7th line, strike out the word *substantial*, in which report the House concurred.

Mr. Dellett from the judiciary committee to whom was referred the petition of Egbert Harris, John Braham and Simon Turner, praying a repeal of the statute of limitations for the purpose of procuring a judicial investigation of certain causes specified in their petition, *reported* that the prayer of the petitioners is unreasonable and ought not to be granted. *Ordered*, that the further consideration of said report be postponed till Wednesday next.

Mr. Hallett presented sundry claims against the state, which were read and referred to the committee on accounts.

Mr. Bridges presented the account of Ephraim Pharr, sheriff of Wilcox county, which was read and referred to the committee on accounts.

On motion of *Mr. Greening*, *Resolved* that the committee on ways and means be instructed to inquire into the expediency of appropriating so much money as will be sufficient to open the state road from Bellville, in the county of Conecuh to the Florida line.

On motion of *Mr. White*, *Resolved* that the judiciary committee be instructed to inquire into the expediency of providing by law that all county treasurers be required to pay county claims according to their respective dates ; and to require clerks of courts to lay before the treasurer all accounts which may have been allowed with their respective dates within days thereafter.

On motion of *Mr. Hallett*,

Resolved, That a committee of three members be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to examine and inspect such general account in the books of the Bank of the State of Alabama, as relate to the statement furnished by the President of said Bank, to both branches of the General Assembly, with full power to send for persons and papers, in conformity with the provisions contained in the 12th section of an act, passed 20th December, 1823, entitled an act to establish the Bank of the State of Alabama ; and that a copy of this resolution be sent to the Senate for their concurrence. Whereupon Messrs. Hallett, Creagh, and Mardis were appointed said committee.

A message from the Senate by *Mr. Lyon* their secretary : *Mr. Speaker*, the Senate have read three times and passed bills which originated in their house entitled an act to require security upon granting a supecedeas ; An act to authorize sheriffs to serve notices ; and An act to amend the act entitled an act for the limitations of actions and for avoiding vexatious law suits, passed Feb. 2, 1802, in which they desire your concurrence. They have also read three times and passed a bill, which originated in your house, entitled an act authorizing Jacob Johnson to emancipate a certain slave therein named.

Mr. Bridges offered the following resolution, *Resolved* that the judiciary committee be instructed to inquire into the expediency of abolishing the present county courts, established for the trial of suits, and to repeal all laws which give to the judges of county courts jurisdiction other than testamentary powers and the powers of escheator, which was lost.

Mr. Coe from the select committee to whom was referred the petition of sundry inhabitants of the county of Lawrence, *reported* a bill to be entitled an act to amend an act entitled an act to establish a certain road therein mentioned, which was read a first time and ordered to be read a 2d time.

Mr. Mardis called up the report of the special committee, to whom was referred so much of the Gov's message as relates to the permanent location of the seat of government; Mr. Coalter then moved that the House concur in the first resolution reported by said committee, which is as follows: *Resolved that it is expedient to remove the seat of government of the state of Alabama, from the town of Cahucoba.*

And the House adjourned till 3 o'clock this evening.

Evening Session.—The House resumed the consideration of the report of the special committee to whom was referred so much of the Gov's message as relates to the permanent location of the seat of government; the question was put on Mr. Coalter's motion, to concur in the first resolution reported by the committee, and determined in the affirmative—yeas 37—nays 25.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coalter	Hickman	Mead	Vaughan
Armbrister	Coe	Inge	Morton	Vining
Barton of Mo.	Conner	King	Neill	Warren
Barton of Tus	Coopwood	Lewis	Peyton	White
Baylor	Davis	Lyon	Sims	Williams—37
Baxter	Dupuy	Martin of Fr.	Tate	
Brandon	Edmondson	Martin of La.	Thornton	
Brown	Heard	Martin of Li.	Tindall	

Those who voted in the negative, are

Mr. Bailey of M.	Cook	Flaker	Mardis	Saffold
Benson	Creagh	Greening	M-Lemore	Shotwell
Bridges	Crenshaw	Hallett	Moore	Walthall
Broadnax	Dellett	Jones	Oliver	Watson
Colman	Fitzpatrick	Lambert	Pickens	Weissinger

The House adjourned till half past 9 o'clock tomorrow.

Saturday, December 3, 1825.

Mr. Lyon presented the account of Jesse Grimes, which was read and referred to the committee on accounts.

Mr. Hallett presented the petition of George F. Loller, praying the passage of a law allowing him pay as counsel, which was read and referred to the committee on accounts.

Mr. Armbrister presented the account of John Hill, sheriff of Decatur county, which was read and referred to the committee on accounts.

On motion of Mr. Davis, *Resolved* that the joint committee appointed from both Houses of this Legislature, to memorialize the Congress of the United States, relative to the lands owned and occupied by citizens of this state, which has not been paid out of the office, be instructed to embrace in said memorial the public lands now belonging to the United States, within the limits of this state.

Mr. Dellett, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of providing by law for an extra term of the circuit court of Mobile and Baldwin counties, reported a bill to be entitled, an act to provide for an extra term of the circuit court in Mobile and Baldwin counties; which was read a first time, and ordered to be read a second time.

Mr. Dellett, from the judiciary committee to whom was referred a resolution, directing them to inquire into the expediency of authorizing the circuit court, to dismiss from office justices of the peace and constables, who may be convicted by a jury of malpractices or gross negligence in office, *reported* that it is not expedient to pass the law contemplated by the resolution; in which report the House concurred.

Mr. Dellett, from the judiciary committee to whom was referred a bill, to be entitled an act to repeal an act, entitled an act the more effectually to ensure the testimony of absent witnesses by interrogatories, *reported* the bill to this House without amendment, in which report the House concurred.

Mr. Dellett from the judiciary committee to whom was referred, a bill to emancipate certain slaves therein named, *reported* the bill with an amendment by way of preamble, in which report the House concurred.

A message from the Senate, by Mr. Lyon, their secretary, *Mr. Speaker*: The Senate have read three times and passed bills which originated in the House, entitled, An act to authorize Joseph Price to erect a mill dam across the Mulberry Fork of Tuskalooza river; and An act for the emancipation of a negro man slave named Peter, in which they desire your concurrence. They have also read three times and passed a bill which originated in the House of Representatives, entitled an act for the relief of the principal pilots of Mobile Bay; and then he withdrew.

Mr. Dellett from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of repealing so much of the law, passed on the 18th Dec. 1812, entitled an act concerning the assignment of bonds, notes, &c. and for other purposes, as reads in the following words, 'as in cases of inland bills of exchange,' reported that the repeal of the words contemplated by the resolution is inexpedient. In which report the House concurred.

Mr. Dellett from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of re-issuing, amending and reducing into one, the several acts now in force in relation to the office, powers and duties of justices of the peace and constables, reported that it is inexpedient to pass the law contemplated by the resolution. In which report the House concurred.

Mr. Dellett from the judiciary committee to whom was referred a bill to be entitled an act for the relief of Leasa Lewis, reported the same without amendment. In which report the House concurred.

Mr. Tate, from the committee on inland navigation, to whom was referred a bill to be entitled an act declaring Paint Rock river a public highway, reported in lieu thereof a bill to be entitled an act declaring Paint Rock river of Jackson county a public highway; which was read a first time and ordered to be read a second time.

Mr. Fitzpatrick, from the committee on propositions and grievances to whom was referred the petition of Matt. Armstrong, praying that

the name of Washington Garrison should be changed to that of Washington Armstrong, and that said Washington should be legitimated, reported that they deem it inexpedient to grant the prayer of the petitioner. In which report the House concurred.

Mr. Creagh, from the select committee, to whom was referred the petition of Wm. R. Parker, reported a bill to be entitled an act authorizing Wm. R. Parker to emancipate a certain slave therein named; which was read a first time and ordered to be read a second time.

Mr. Dellett presented the memorial of John Scott, which was read and laid on the table.

Mr. Martin of L. presented the account of David Hubbard, which was read and referred to the committee on accounts.

Mr. Watson obtained leave to introduce a bill to be entitled, an act to amend an act to establish a certain county therein named, and for other purposes, passed 22d December, 1824, which was read a first time, and ordered to be read a second time.

Mr. Coopwood, from the select committee to whom was referred the petition of the administrators of James Havens, dec'd, reported a bill to be entitled an act to authorize certain persons therein mentioned to sell and transfer land certificates; which was read a first time and ordered to be read a second time.

Engrossed bills from the Senate of the following titles, to wit: An act to authorize Joseph Price to erect a mill dam across the Mulberry Fork of the Tuscaloosa river; An act for the emancipation of a negro man slave named Peter, were severally read a first time and ordered to be read a second time.

The Speaker laid before the House a report of the Comptroller,—which was read and referred to the committee on ways and means to consider and report thereon.

The House again resumed the consideration of the report of the select committee to whom was referred so much of the Governor's message as relates to the permanent location of the seat of government. *Mr. Coopwood* moved that the resolution No. 2, reported by said committee, which is as follows, "Resolved that it is expedient that the permanent seat of government be located within — miles from the state-house in the town of Cahawba," be postponed till the first day of June next; which was carried. *Mr. Coalter* moved that resolution No. 3, reported by said committee, which is as follows, "Resolved that commissioners be appointed for the purpose of examining and reporting to this House a proper place to locate the seat of government of the state of Alabama, and that this examination be confined within — miles of the town of Cahawba," be postponed till the first day of June next.

The House adjourned till Monday morning 10 o'clock.

Monday, December 5, 1825.

Mr. Vaughan presented the petition of E. G. Musgrove, praying the passage of a law making provision for clerks; which was read and referred to a select com. consisting of messrs. Vaughan, King and Peyton.

Mr. Fitzpatrick, from the committee on propositions and grievances to whom was referred the petition of George Whitton, reported a bill to be entitled an act making appropriation for the payment of a certain claim against the state; which was read a first time and ordered to be read a second time.

Mr. Cook presented the account of Samuel L. Calowell, jailor of Ber county; which was read & referred to the committee on accounts. Mr. Crenshaw presented the account of Wm.W. Gary, jailor of Dal- county; which was read and referred to the committee on accounts. Mr. Oliver presented the account of Micajah Shirley, jailor of Cone- county; which was read and referred to the committee on accounts. On motion of Mr. Greening, *Resolved*, That the military commit- be instructed to examine the military laws of this state, and to ort by bill or otherwise to this House, such alterations or amend- nts as they may think proper for the better organization of the mi- a of this state.

Mr. Benson, from the select committee to whom was referred so ch of the Governor's message, together with the accompanying do- nents, as relates to the dividing line between this State and Geor- , reported the following resolution: to wit—

Resolved by the Senate and House of Representatives of the State of Ala- in General Assembly convened, That the Governor be required, as soon as ticable, to procure the services of two competent persons, to ascertain the ndary line between this state and Georgia, according to the terms of the pact entered into between the United States and Georgia, in the year 1802; That he be required to notify the Governor of Georgia of the appointment the commissioners aforesaid, so that the commissioners on the part of that e may be enabled to co-operate with the commissioners on the part of this e.

Ordered, That said report lie on the table.

Mr. Vaughan obtained leave to introduce a bill to be entitled, an : authorizing the county court of Morgan county to make a certain owance therein named: which was read a first time, and ordered be read a second time.

Engrossed bill from the Senate, to be entitled, an act to amend the entitled, an act for the limitation of actions, and for avoiding vex- ous law-suits, passed February 2, 1802; which was read a first e, and ordered to be read a second time.

Mr. Williams presented the records and proceedings of the circuit rt of Tuscaloosa county, exercising chancery jurisdiction in the e of William Bryant against Rodah Bryant for divorce; also, the ord and proceedings of the circuit court of Tuskaloosa county, reising chancery jurisdiction in the case of Nancy Gillespie against drew S. Gillespie for divorce;—which were severally read, and erred to the committee on divorce and alimony.

Mr. Barton, of Mob. obtained leave to introduce a bill to be enti- d, an act concerning taxes in Mobile county; which was read a first ie, and ordered to be read a second time.

Mr. Barton, of Mob. obtained leave to introduce a bill to be enti- , an act the more effectually to secure the payment of costs of suits tituted in this state: which was read a first time, and ordered to read a second time.

Mr. Lewis obtained leave to introduce a bill to be entitled, an act ing further time to persons holding claims against the respective nties of this state, to file the same; which was read a first time, l ordered to be read a second time.

A message was received from his Excellency the Governor, by nes J. Thornton, Secretary of State, and is as follows:—

To the Honourable Speaker, and Members of the House of Representatives

The enclosed Letter from the Representatives of the town and county of Mobile, may be regarded as the immediate cause of this special communication; but the great importance of the subject itself, connected as it is supposed with the present and permanent interest of the State, and no less in unison with every principle of our nature which delights to ensure happiness, and relieve distress, gives it a high claim to particular attention, and would render any apology not only unnecessary, but offensive. During the last season, our commercial emporium was severely afflicted by those malignant diseases to which our southern seaports are so peculiarly exposed. The distresses, the sufferings, the anxieties and confusion which suspended the ordinary hopes and engagements of men—those only can realize, who have witnessed in similar circumstances, the ravages of mortal disease. The distressing situation of the city of Mobile was greatly relieved by a place of more healthy resort in the vicinity, to which almost all the inhabitants removed who were in condition to make removal, or who had not fallen victims to the early and insidious progress of the prevailing malady. In this place their hopes of security were more than justified, under circumstances of deficient accommodation, and destitute of those comforts which a more mature arrangement might have provided. It is my present purpose to draw the attention of the General Assembly to this place, and to the interests of Mobile, and of the State, which are supposed to be connected with it. Our southern seaports cannot expect to be free from the occasional, and perhaps frequent recurrence of yellow-fever; and even when this malignant disease does not appear, those of a milder type may be constantly expected, and occasion long and severely felt by society. The great desideratum, therefore, is a place of healthy resort sufficiently near to the centre of business, and in which the confidence of the population may be safely reposed. It is very gratifying to believe that the vicinity of Mobile affords such a situation; and this belief is sustained by the experience of several years, especially the present, by the natural appearance of the country, and the report of the oldest inhabitants. It is well worthy of consideration what important effects may be made to result from this auspicious circumstance. It is supposed that it will afford a reasonable security against the most appalling disease to which the human constitution is subject. That it will increase the population of our commercial city, and with its population increase its business and resources; that it will locate and fix capital, as those who find it their interest to do business in the place will be inclined to form permanent establishments for the sake of convenience, when they find they can do so with safety to themselves and their families; that it will benefit the people in the interior of the State, as their necessary intercourse with the city will be less interrupted by the absence of men engaged in the transactions of commerce; that it will provide for institutions of learning, so much to be cultivated in our large commercial cities—a situation in which their progress will not be interrupted; that such part of the population as may be engaged in mechanical employment may be enabled to pursue their useful and industrious professions to almost every advantage at all seasons of the year; that it will be a suitable place, on account of its health, and near vicinity to the city, for the site of hospitals and other charitable foundations;—to secure these and other advantages which will be readily perceived, I beg leave very respectfully to recommend to the General Assembly to aid the corporate authority of the city of Mobile, to obtain from the United States four contiguous sections of land, at Spring-Hill, or a quarter equal to four sections, at the discretion of the corporation, on which to build a summer town, or place of retreat for health. It is likely that four sections would not be more than sufficient, in order that the town should not be built too compactly for health, that nuisances might be kept at a greater distance, and the natural healthiness of the place be improved by artificial means. To accomplish these objects, a new and suffering city may require aid from the

ry of the State; the advance to be reimbursed at such time, and in such manner, as the wisdom of the General Assembly may direct. It would also seem expedient to address a Memorial to the Congress of the United States, for the acquisition of the land at a fair price. The land is not in market; no conjecture can be formed when it will be offered for sale, and the wants of the city are immediate. A matter so important in a general point of view, ought not be left to the uncertainty of individual enterprise, where there will be neither unity in the design, or concert in the execution. Most southern cities are excluded, by their localities, from the prosecution of such a plan. Our situation is more fortunate; and a systematic attention to every thing which may promote the prosperity of our commercial city, will be found to contribute largely to the general interest. Very respectfully submitted,

JOHN MURPHY.

And then he withdrew—Which message, together with the accompanying document, were referred to a select committee, consisting of Messrs. Barton of Mo. Coalter, Tindall, Benson and Greening to consider and report thereon.

The House again resumed the consideration of the report of the select committee, to which was referred so much of the governor's message as relates to the permanent location of the seat of government. The question was put on Mr. Coalter's motion to postpone resolution numbered three, reported by said committee till 1st day of June next, and decided in the negative. Yeas 30, nays 34.

The yeas and nays being called for, those who voted in the affirmative, are

r. Armbrister	Coalter	Fluker	Martin of Li.	Thornton
Bailey of La.	Coe	Heard	Mead	Tindall
Barton of Tus	Conner	Hickman	Neill	Vaughan
Baylor	Coopwood	Inge	Peyton	Warren
Baxter	Dupuy	Lewis	Sims	White
Brown	Edmondson	Lyon	Tate	Williams--30

Those who voted in the negative, are

r. Speaker	Coleman	Greening	Martin of La.	Saffold
Bailey of Mt.	Cook	Hallett	McLemore	Shotwell
Barton of Mo.	Creagh	Jones	McNeill	Vining
Benson	Crenshaw	King	Moore	Walthall
Brandon	Davis	Lambert	Morton	Watson
Bridges.	Dellett	Mardis	Oliver	Weissinger
Broadnax	Fitzpatrick	Martin of Fr.	Pickens	—34

Mr. Barton of Mobile, moved to strike out the whole of the resolution after the word resolved, for the purpose of inserting the following: That three commissioners be chosen by ballot of this House, to view the ground situate on both sides of the Alabama river, within ten miles of the said river, and between the town of Cahawba and the junction of the Coosa and Talapoosa rivers, and report within fourteen days to the General Assembly the several sites they may conceive eligible for the permanent seat of government of this state, and the country adjacent to said sites with their advantages and disadvantages, designating the particular site they deem the most eligible for that purpose; with authority to make conditional speculations for such sites, and that three commissioners be appointed in like manner to examine Centreville and Tuskaloosa, and the adjacent country within ten miles of each place and report thereon in like manner." A division of the question being called for, the vote was first taken on striking out and decided in the affirmative unanimously. Yeas 64.

Those who voted in the affirmative, are

Mr. Speaker	Coalter	Fluker	Martin of Lau.	Sims
Ambrister	Coe	Greening	Martin of Lin.	Tate
Bailey of La.	Coleman	Hallett	Mead	Thornton
Bailey of Mont	Cook	Heard	McLemore	Tindall
Barton of Mo.	Conner	Hickman	McNeill	Vaughan
Barton of Tus.	Copwood	Inge	Moore	Vining
Baylor	Craigh	Jones	Morton	Walthall
Baxter	Crenshaw	King	Neill	Warren
Benson	Davis	Lambert	Oliver	Watson
Brandon	Bellett	Lewis	Peyton	Weissing
Bridges	Dupuy	Lyons	Pickens	White
Broadnax	Edmondson	Morris	Saffold	Williams
Brown	Fitzpatrick	Martin of Fra.	Shawwell	

The question was then taken on inserting, and decided in the affirmative—

36—nays 27

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Greening	Martin of Fra.	Oliver
Ambrister	Coleman	Hallett	Martin of Lin.	Pickens
Bailey of Mont	Craigh	Cook	Mead	Saffold
Barton of Mo.	Crenshaw	Jones	McLemore	Shawwell
Benson	Davis	King	McNeill	Walthall
Brandon	Bellett	Lambert	Morton	Watson
Bridges	Fitzpatrick	Lewis	Moore	Weissing

Those who voted in the negative, are

Mr. Bailey of L.	Coe	Heard	Sims	Warren
Barton of Tus.	Conner	Hickman	Tate	White
Baylor	Copwood	Inge	Thornton	Williams
Baxter	Dupuy	Martin of Lin.	Tindall	
Brown	Edmondson	Neill	Vaughan	
Coalter	Fluker	Peyton	Vining	

The House adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock. On motion of Mr. Vaughan, *Resolved* that Lumpkin and Dodson have a seat assigned them within the of this House, for the purpose of reporting the proceedings there.

Engrossed bills from the Senate of the following titles, to wit: act to repeal in part an act approved Dec. 15, 1824, declaring the river in Morgan county a public highway; An act to repeal in an act entitled an act to establish certain counties therein named, and other purposes, passed Dec. 17th, 1821, and for other purposes. severally read a second time, and ordered to be read a third time.

Engrossed bills from the Senate of the following titles, to wit: act to authorize sheriffs to serve notices; An act to require security upon granting a supercedas; were severally read a first time, ordered to be read a second time.

Engrossed bills of the following titles, to wit: An act to alter time of holding the county courts in the county of Morgan; an act for improving the navigation of the port and harbour of Mobile; an act to prohibit the further granting licenses for gaming tables; were severally read a third time and passed. *Ordered*, That the title be changed from that of bills to that of acts. *Ordered* that the same be sent to the Senate for their concurrence.

Ordered that Mr. Bridges be added to the committee on schools, colleges and universities, and school and university lands.

A bill, to be entitled an act to locate the university of the state of Alabama, was read a 2d time and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. Cook presented the petition of Thos. M'Daniel and Wm. Spurling, praying the passage of a law granting leave to build a toll-bridge across the Conecuh river, in Covington county, which was read, and referred to the committee on roads, bridges and ferries.

Mr. Coalter presented the petition of Ben. Ingram, adm'r of Wm. W. Britton, deceased, praying the passage of a law authorizing the purchase of certain real estate therein named, which was read and referred to the judiciary committee.

The House adjourned till tomorrow morning 10 o'clock.

Tuesday, December 6.

A message from the Senate by Mr. Lyon their secretary: *Mr. Speaker*, the Senate concur in the resolution of your honorable body, appointing a committee on your part to act with such committee as may be appointed on the part of the Senate, to examine and inspect such general accounts in the books of the Bank of the state of Alabama, as relate to the statement furnished by the President of said Bank to both branches of the general assembly. They have appointed on their part Messrs. Jackson of L. Gaines and Crawford. They have read three times and passed bills which originated in their house entitled, An act to alter the lines of Madison and Jackson counties, An act for the relief of Hiram Shortridge, and An act to reprob in part and amend in part an act restricting officers from taking commissions on costs collected by them on executions, passed Dec. 31, 1823; in which they desire your concurrence. They have also read three times and passed bills which originated in the House of Representatives entitled an act regulating the mode of summoning jurors in Greene county, and An act authorizing the county court of Limestone county to make certain allowances therein named, and for other purposes; and then he withdrew.

Mr. Watson presented the petition of Robert Erwin and Pelatiah Whitehurst, praying the passage of a law authorizing the county court of Henry county to levy an extra tax, which was read and referred to the committee on propositions and grievances.

Mr. Morton from the committee on county boundaries to whom was referred the resolution directing the committee to inquire into the expediency of making a new county by taking part from the counties of Conecuh, Monroe, Wilcox and Butler, reported it inexpedient to make such new county at this session, which report was read and ordered to lie on the table.

Mr. Morton from the committee on county boundaries to whom was referred the petition of sundry inhabitants of Clarke county, reported that the prayer of the petition ought not to be granted, believing it would reduce the county of Wilcox under its constitutional limits; in which report the House concurred.

Mr. Mead from the committee on divorce and alimony to whom was referred the record and proceedings of the circuit court of Madison county, exercising chancery jurisdiction, in the case of Sally Roundtree, against Wm Roundtree, for divorce, reported a bill to be entitled an act to divorce Wm. Roundtree from Sally Roundtree, which was read a first time and ordered to be read a 2d time.

Mr. Mead from the committee on divorce and alimony to whom was referred the record and proceedings of the circuit court of Franklin county, exercising chancery jurisdiction, in the case of Asa Gaughan

gainst Sally Gaugh for divorce, *reported* that the divorce ought not be sanctioned; which report was ordered to lie on the table.

Mr. Dellett from the judiciary committee to whom was referred bill to be entitled an act to authorize the adm'rs of James Gillelan deceased, to sell real estate, *reported* the bill as inexpedient; in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred bill to be entitled an act providing for the registration of deeds, grants &c. *reported* the bill without amendment; in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred bill to be entitled an act to authorize Harvey Dill Shunty, administrator of the estate of John L. Vesper, dec'd, *reported* that it would be inexpedient to pass the bill; in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred bill to be entitled an act the more effectually to prevent trading with negroes, *reported* the bill without amendment. In which the House concurred.

Mr. Heard, from the committee on enrolled bills, *reported* that the committee had examined and found correctly enrolled, bills of the following titles: An act authorizing Jacob Johnson to emancipate a certain slave therein named; An act for the relief of the principal pilot of Mobile Bay.

Mr. Martin of Frank. to whom was referred the petition of James Frazier, *reported* a bill to be entitled an act for the relief of Jas. Frazier, late tax collector of Franklin county; which was read a first time and ordered to be read a second time.

On motion of Mr. Cook, *Resolved*, that, with the concurrence of the Senate, the General Assembly will proceed to the election of a solicitor for the sixth judicial circuit of this state, on Thursday next at the hour of 3 o'clock, p. m.

Engrossed bills from the Senate of the following titles, to wit: An act to alter the lines of Jackson and Madison counties; An act for the relief of Hiram Shortridge; An act to repeal in part and amend in part an act restricting officers from taking commission on costs collected by them on executions, passed Dec. 31, 1823, were severally read a first time and ordered to be read a second time.

Message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed, bills which originated in their house, entitled, An act to repeal an act entitled an act to abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned; An act to repeal in part and amend an act entitled an act to increase the compensation of jurors, passed 31st Dec. 1823; and, an act establishing and permanently locating the seat of government of the state of Alabama, pursuant to the 29th section of the 3d article of the Constitution: in which they desire your concurrence. They have also read three times and passed a bill which originated in your house, entitled an act to appoint a commissioner for the town of Monticello, in the county of Pike, and for other purposes.

Mr. Mead, who voted in the majority on yesterday on the adoption of the resolution to appoint commissioners to examine certain sites for the location of the seat of government, moved to reconsider the

note then given on the adoption of said resolution; which was decided in the affirmative. Yeas 44, nays 19.

Those who voted in the affirmative, are

Mr. Speaker	Coalter	Greening	Martin of Fr.	Thornton
Armbrister	Coe	Hallett	Martin of Li.	Tindall
Bailey of Mt.	Coleman	Heard	Mead	Vaughan
Barton of Mo.	Conner	Hickman	Neill	Vining
Barton of Tus.	Coopwood	Inge	Peyton	Warren
Baylor	Davis	King	Saffold	Watson
Baxter	Dupuy	Lewis	Shotwell	White
Brandon	Edmondson	Lyon	Sims	Williams—44
Brown	Fluker	Mardis	Tate	

Those who voted in the negative, are

Benson	Creagh	Jones	McNeill	Pickens
Bridges	Crenshaw	Lambert	Moore	Walthall
Broadnax	Deilett	Martin of La.	Morton	Weissinger 19
Cook	Fitzpatrick	McLemore	Oliver	

The said resolution being then before the House for consideration, Mr. Barton of Mobile, moved to amend the same by striking out the words *ballot of*, which was carried; also to strike out the words General Assembly, and insert in lieu thereof *this House*; also to insert after the words *in like manner*, the words *and with like powers*; which were severally carried.

Mr. Barton of E., then moved to strike out all of said resolution before the words *to elect the ground, &c.* and insert in lieu thereof the following amendment: *Resolved*, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That three commissioners be elected by joint vote of both Houses; which motion was decided to be out of order, the House having rejected a similar amendment on yesterday. Mr. Mead, who voted in the majority on that question, then moved to reconsider the vote; which was decided in the affirmative. Yeas 33, nays 29.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coalter	Hallett	Mead	Vaughan
Armbrister	Coe	Heard	Neill	Vining
Barton of Tus.	Conner	Hickman	Peyton	Warren
Baylor	Coopwood	Inge	Sims	White
Baxter	Dupuy	Lewis	Tate	Williams—33
Brandon	Edmondson	Lyon	Thornton	
Brown	Fluker	Martin of Li.	Tindall	

Those who voted in the negative, are

Bailey of Mt.	Cook	Greening	Martin of La.	Saffold
Barton of Mo.	Creagh	Jones	McLemore	Shotwell
Benson	Crenshaw	King	McNeill	Walthall
Bridges	Davis	Lambert	Moore	Watson
Broadnax	Deilett	Mardis	Oliver	Weissinger—
Coleman	Fitzpatrick	Martin of Fr.	Pickens	29

Mr. Barton of T., then renewed his motion to amend; which was decided in the affirmative. Yeas 33, nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coalter	Hallett	Mead	Vaughan
Armbrister	Coe	Heard	Neill	Vining
Barton of Tus.	Conner	Hickman	Peyton	Warren
Baylor	Coopwood	Inge	Sims	White
Baxter	Dupuy	Lewis	Tate	Williams—33
Brandon	Edmondson	Lyon	Thornton	
Brown	Fluker	Martin of Lim.	Tindall	

Those who voted in the negative, are

Bailey of Mont.	Cook	Greening	Martin of Lau.	Pickens
Barton of Mo.	Creagh	Jones	McLemore	Saffold
Benson	Crenshaw	King	McNeill	Showell
Bridges	Davis	Lambert	Moore	Walthall
Broadnax	Dellett	Mardis	Morton	Watson
Coleman	Fitzpatrick	Martin of Fra.	Oliver	Weisinger

Mr. Barton of Mob. who voted in the affirmative on the question then moved to reconsider the vote on his motion to strike out the word *General Assembly*, and insert *this House*, which was decided in the affirmative; and the question being again put on said amendment, it was decided in the negative. The question was then put on adopting the resolution as amended, & decided in the affirmative. Yeas 38, nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brown	Hallett	Moore	Saffold
Armbrister	Coleman	Jones	McLemore	Showell
Barton of Mo.	Creagh	Cook	King	Vining
Baxter	Crenshaw	Lambert	Moore	Walthall
Benson	Davis	Lewis	Morton	Weisinger
Brandon	Dellett	Mardis	Oliver	
Bridges	Dupuy	Martin of Fra.	Payton	
Broadnax	Greening	Martin of Lau.	Pickens	

Those who voted in the negative, are

Bailey of Mont.	Conner	Hickman	Simmons	Warren
Barton of Tus.	Copwood	Inge	Tate	White
Baylor	Edmondson	Lyon	Thornton	Williams-2
Coalter	Finker	Martin of Lim.	Tisdal	
Coe	Heard	Neill	Vaughan	

The House adjourned till tomorrow 10 o'clock.

Wednesday, December 7, 1825.

Mr. Coe, presented the petition of sundry inhabitants of the town of Moulton, in the county of Lawrence; praying an extension of the limits of said town; which was read and referred to a select committee, consisting of Messrs. Coe, Heard, and Martin of Limestone.

Mr. Thornton, presented the petition of John S. Moore, guardian of Wm. Ann O. Murray, praying the passage of a law authorizing the sale of certain real estate; which was read and referred to the judicial committee.

Mr. Benson, presented the petition of Hugh W. Henry, Ebenezer Pond, and John W. Whitesides, praying an act of incorporation; which was read and referred to the military committee.

Mr. Coe obtained leave to introduce a bill, to be entitled an act to incorporate the Moulton library company; which was read a first time, and ordered to be read a second time.

Mr. Bridges, presented the petition of the militia officers of Wilcox county, praying the passage of a law authorizing the division of a regiment; which was read and referred to the military committee.

Mr. Davis obtained leave to introduce a bill to be entitled, an act to discontinue Asa Gaugh from his wife Sally Gaugh, which was read a first time, and ordered to be read a second time.

Mr. Saffold, from the bank committee to whom was referred a report of the Bank Directors of the state of Alabama, reported, that they ask leave to be discharged from the further consideration thereof; in which report the House concurred. *Ordered*, That the report of the Directors of the Bank of the State of Alabama be referred to the select committee appointed on that subject.

Mr. Hickman, from the select committee to whom was referred the petition of Cæsar Kennedy, reported a bill to be entitled an act, to authorize Cæsar Kennedy to erect a toll-bridge; which was read a first time, and ordered to be read a second time.

Mr. Barton, of Mob. from the select committee to whom was referred the communication of the Governor, and the accompanying documents relative to the late afflictive dispensation under which the city of Mobile has suffered from malignant disease, reported a joint resolution, which was read a first time, and ordered to be read a second time.

Mr. Jones obtained leave to introduce a bill to be entitled, an act supplementary to an act appointing agents to select a certain quarter section of land for the county of Shelby, and other counties therein named, passed December 15, 1824; which was read a first time, and ordered to be read a second time.

On motion of Mr. Cook, *Resolved*, That the military committee be instructed to inquire into the expediency of altering and amending the militia laws, so that company court-marshal shall be held on company muster days, and that defaulters shall be tried at the next muster after default is made.

Mr. Martin, of Laud. offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law authorizing the plaintiffs in all actions brought on negotiable securities for the payment of a sum certain, to collect from the defendants in such actions such a per cent. on the judgment recovered, as may be reasonable compensation to the plaintiff's attorney in the action, and that said committee report by bill or otherwise; which was lost—yeas 28, nays 33.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker,	Brandon	Greening	Martin of Li.	Saffold
Bailey of Mt.	Bridges	Hallett	Martin of L.	Tindall
Barton of Mo.	Broadnax	Heard	McLemore	Vining
Barton of Tus	Cook	Hickman	Oliver	Walthall
Baylor	Davis	King	Pickens	White—28
Benson	Fitzpatrick	Mardis		

Those who voted in the negative, are

Mr. Armbrister	Coopwood	Inge	Moore	Thornton
Baxter	Creagh	Jones	Neill	Vaughan
Brown	Crenshaw	Lewis	Baylor	Warren
Coalter	Dellett	Lyon	Shotwell	Watson
Coe	Dupuy	Martin of F.	Sims	Weissinger
Coleman	Edmondson	Mead	Tate	Williams—33
Conner	Fluker	McNeill		

Mr. Mardis presented the petition of Edmund King, Thomas T. Walker, Sally B. Stevens, and Edward W. Powell, praying the passage of a law changing a road route; which was read, and referred to select committee, consisting of Messrs. Mardis, Shotwell, and Jones.

On motion of Mr. Hallett, *Resolved*, That a committee of three members be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to examine the books and accounts relating to the offices of the comptroller of public accounts, and to the treasury department of this state, with authority to send for persons and papers, and with instructions to report the

state and situation of the respective departments to both branches of the General Assembly; and further, to recommend any measures which the committee may deem expedient to be adopted in relation to an improved organization of the departments aforesaid. *And it was further resolved*, That a copy of this resolution be sent to the Senate requesting the concurrence of that body. Whereupon Messrs. J. Lett, Lyon, and Creagh were appointed said committee.

Mr. Warren offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so altering the Constitution to admit counties of less extent than one hundred square miles, when population will admit, and the convenience of the people require it; which was lost.

Engrossed bills from the Senate of the following titles: to wit: An act to repeal in part and amend an act entitled an act, to increase the compensation of jurors, passed 31st December, 1823; An act to repeal an act entitled, an act to abolish the fictitious proceedings of ejectments, and for other purposes therein mentioned,—were severally read a first time, and ordered to be read a second time.

Engrossed bills from the Senate to be entitled, an act establishing and permanently locating the seat of government for the state of Alabama, pursuant to the 29th section of the 3d article of the Constitution, was read a first time, and ordered to lie on the table—yeas 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Dellett	Martin of F.	Pickens
Bailey of W.	Coleman	Fitzpatrick	Martin of La.	Saffold
Barton of Mo.	Cook	Greening	McLemore	Shotwell
Benson	Creagh	Hallett	McNeill	Walthal
Brandon	Crenshaw	Jones, King	Moore	Weissinger
Bridges	Davis	Mardis	Oliver	Watson

Those who voted in the negative, are

Mr. Ambrister	Coe	Heard	Mead	Tindall
Barton of T.	Conner	Hickman	Miller	Vaughan
Baylor	Coopwood	Inge	Peyton	Vining
Baxter	Dupuy	Lewis	Sims	Warren
Brown	Edmondson	Lyon	Tate	White
Coalter	Fluker	Martin of Li.	Thornton	Williams

Joint resolution was read a second time and ordered to be engrossed for a third reading to-morrow.

Engrossed bills from the Senate of the following titles, to wit: An act to require security upon granting a supercedeas; An act to authorize sheriffs to serve notices; An act to repeal in part and amend in part an act restricting officers from taking commission on costs collected by them on executions, passed Dec. 31, 1823; An act to amend an act entitled an act for the limitation of actions, and for avoiding various law suits, passed Feb. 2, 1802, were severally read a 2d time and referred to the judiciary committee.

Engrossed bill from the Senate, to be entitled an act to alter the line of Madison and Jackson counties, was read a second time and referred to the committee on county boundaries.

Engrossed bills from the Senate of the following titles, to wit: An act for the emancipation of a negro man slave named Peter; An act for the relief of Hiram Shortridge, were severally read a 2d time and

dered to be read a 3d time. Engrossed bill from the Senate to be entitled an act to authorize Joseph Price to erect a mill dam across the Mulberry Fork of the Tuskaloosa river, was read a second time and referred to the committee on inland navigation.

The House adjourned till to-morrow morning 10 o'clock.

Thursday, December 8, 1825.

Message from the Senate by Mr. Lyon, their secretary: Mr. Speaker, the Senate concur in the resolution of your honorable body, inviting them to assemble in the Representative Hall this day at the hour of 3 o'clock, P. M. for the purpose of electing a solicitor for the 6th judicial circuit in this state, and have amended the same by adding the words *and judges of the county courts of Dale, Fayette and Marion counties*; in which amendment they desire your concurrence. They have read three times and passed bills and a memorial to Congress, which originated in their house, of the following titles, to wit: An act the better to secure money in the hands of clerks, sheriffs, and coroners; An act to repeal an act entitled an act to regulate proceedings in chancery suits; An act to repeal an act, passed Dec. 31, 1823, appropriating the monies arising from fines and forfeitures in Madison county to Greene Academy; and, A memorial to the Congress of the United States, praying further relief to the purchasers of public lands: in all of which they desire your concurrence. In which amendment the House concurred.

Engrossed bills from the Senate of the following titles, to wit: An act to repeal an act, passed Dec. 31, 1823, appropriating the monies arising from fines and forfeitures in Madison county to Greene Academy; An act the better to secure money in the hands of clerks, sheriffs and coroners; An act to repeal an act entitled an act to regulate proceedings in chancery suits, were severally read a first time and ordered to be read a second time. Engrossed memorial of the Senate and House of Representatives of the state of Alabama in General Assembly convened, to the Congress of the United States, was read a first time and ordered to be read a second time.

Mr. Williams presented a memorial of sundry persons, which was read and laid on the table.

Mr. Pickens presented a memorial of sundry persons, which was read and laid on the table.

Mr. Moore presented the petition of Benjamin Lock, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to a select committee, consisting of Messrs. Moore, Lyon and Fluker.

Mr. Barton of Mob. presented the memorial of sundry inhabitants of Mobile, praying the passage of a law making suitable provision for the endowment and support of a system of free schools, which was read and referred to the committee on schools, colleges and universities, and school and university lands.

Mr. Dellett, from the judiciary committee to whom was referred the petition of John S. Moore, guardian of Wm. Ann O. Murray, praying the passage of an act to authorize him to sell the real estate of his ward, reported that the prayer of the petitioner is unreasonable and ought not to be granted: in which report the House concurred.

Mr. Dellett from the judiciary committee, to whom was referred the petition of Benjamin Ingram, administrator of the estate of Wm. Crittendon, and Elizabeth Crittendon, praying the passage of a law to authorize the aforesaid administrator to purchase real estate and apply certain personal property of the estate of his intestate to the payment: reported that the prayer of the petitioner is unreasonable and ought not to be granted; in which report the House concurred.

Mr. Dellett from the judiciary committee, to whom was referred bill, to be entitled an act to provide for the payment of petit jurors the counties of Blount and Montgomery, *reported* that it would be impedit to pass said bill. *Ordered*, that said bill be recommitted to judiciary committee.

Mr. Oliver, presented the record and proceedings of the circuit court of Butler county, exercising chancery jurisdiction in the case Sam. Payne, vs. Elizabeth Payne, for divorce; which was read and referred to the committee on divorce and alimony.

Mr. Davis, introduced a resolution proposing amendments to the constitution; which was read a first time, and ordered to be read second time.

Mr. Coalter, from the committee on schools, colleges, and universities, and school and university lands, to whom was referred a bill to be entitled an act to locate the university of the state of Alabama. *Reported* a bill in lieu thereof, to be entitled an act to locate permanently the university of the state of Alabama; in which report the House concurred.

A resolution proposing certain amendments to the constitution of the state of Alabama, was taken up, and referred to a committee of the whole House on Tuesday next.

Joint resolution, proposing to appoint commissioners to examine certain sites for the location of the seat of government of the state of Alabama; was read a third time, and the question being put, shall this resolution pass? it was decided in the affirmative. Yeas 33, nays 21.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coleman	Hallett	Martin of La.	Peckens
Bailey of Mt.	Cook Creagh	Jones	Mead	Stafford
Barton of Mo.	Cresshaw	King	McLemore	Shawwell
Beason	Davis	Lambert	McNeill	Vining
Brendon	Dellett	Lewis	Moore	Waltball
Bridges	Fitzpatrick	Morris	Morton	Watson
Broadnax	Greening	Martin of Fr.	Oliver	Weissinger

Those who voted in the negative, are

Mr. Amorison	Coalter	Ficker	Neal	Vaughan
Bailey of L.	Coe	Heard	Peyton	Warren
Barton of T.	Conner	Hickman	Sims	White
Baylor	Coopwood	Inge	Tate	Williams
Baxter	Dupuy	Lyon	Thurston	
Brown	Edmondson	Martin of Li.	Tisdell	

Ordered, That the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

On motion of Mr. Coopwood, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of giving parties appealing from justices courts liberty to execute an appeal bond in cases when the bond by which the suit was brought up is decided to be insufficient.

Mr. Broadnax obtained leave to introduce a bill to be entitled an act to alter the manner of electing major and brigadier generals; which was read a first time, and ordered to be read a second time.

The House adjourned till half past 2 o'clock.

Evening Session, half past 2 o'clock.—Engrossed bill from the Senate to be entitled an act for the relief of Hiram Shortridge, was read a third time and passed. *Ordered*, that the clerk acquaint the Senate

therewith. *Mr. Speaker* laid before the House a report of the Comptroller, which was read and referred to the joint committee appointed on the State Bank.

Ordered, that the report of the judiciary committee on the petition of Egbert Harris, John Braham and Simon Turner, be laid on the table.

On motion of Mr. Morton. *Resolved*, that the Senate be now invited to assemble in the Representative Hall for the purpose of going into an election of a solicitor in the 6th judicial circuit, and judges for sundry counties, agreeable to a former resolution, and that the west end of the Hall be appropriated for their reception.

Mr. Mead presented the petition of sundry inhabitants of Blount Co. praying the passage of a law authorizing Wm. M'Donald, miller, to grind wheat on Tuesdays and Fridays in each week, from the 15th May till the 15th October, in each year; which was read and referred to a select committee, consisting of messrs. Mead, Lyon and Jones, to consider and report thereon.

The Senate having repaired to the hall of the House of Representatives, both Houses proceeded to the election of a solicitor of the 6th judicial circuit, Benj. Fitzpatrick and Samuel W. Mardis being in nomination. For Mr. Fitzpatrick 65—For Mr. Mardis 16.

Those who voted for Mr. Fitzpatrick, are

Mr. President	Powell	Brown	Hallett	Oliver
Ash	Skinner	Coalter	Heard	Pickens
Bagby	Sullivan	Coe	Hickman	Saffold
Casey	Vanhouse	Cook	King	Shotwell
Crabb	Mr. Speaker	Conner	Lambert	Sims
Crawford	Armbrister	Coopwood	Lyon	Tate
Gaines	Bailey of mt.	Crenshaw	Martin of Fr.	Vaughan
Jackson of A.	Barton of mo.	Davis	Martin of La.	Vining
Jackson of L.	Baxter	Dellett	M'Lemore,	Walthall
Irwin	Benson	Edmondson	McNeill	Warren
Jones	Brandon	Fitzpatrick	Moore	Watson
Merriwether	Bridges	Fluker	Morton	Weissinger
Miller	Broadnax	Greening	Neill	White—65

Those who voted for Mr. Mardis, are

Mr. Abercrombie	Baylor	Dupuy	Martin of Li.	Thornton
Brown	Coleman	Inge Jones	Mead	Tindall
Barton of Tus	Creagh	Lewis	Peyton	Williams—16

Benjamin Fitzpatrick having received a majority of the whole number of votes was declared, by Mr. Speaker, to be duly elected Solicitor for the sixth judicial circuit in this state.

The two Houses then proceeded to elect a Judge of the county court for Dale county; Isaac Ledbetter alone being in nomination. For Mr. Ledbetter 83 votes.

Those who voted for Mr. Ledbetter, are

Mr. President	Jackson of L.	Bailey of mt.	Coe	Fitzpatrick
Abercrombie	Jones	Barton of mo.	Coleman	Fluker
Ash	McCamy	Barton of Tus	Cook	Greening
Bagby	Merriwether	Baylor	Conner	Hallett
Brown	Miller	Baxter	Coopwood	Heard
Casey	Powell	Benson	Creagh	Hickman
Crabb	Skinner	Brandon	Crenshaw	Inge
Crawford	Sullivan	Bridges	Davis	Jones
Gaines	Vanhouse	Broadnax	Dellett	King
Irwin	Mr. Speaker	Brown	Dupuy	Lambert
Jackson of A.	Armbrister	Coalter	Edmondson	Lewis

Lyon	McLemore	Peyton	Thornton	Watson
Mardis	McNeill	Pickens	Tindall	Weissinger
Martin of Fr.	Moore	Saffold	Vaughan	White
Martin of La.	Morton	Shetwell	Vining	Williams
Martin of Li.	Neill	Sims	Walthall	
Mead	Oliver	Tate	Warren	

Isaac Ledbetter having received all the votes present, was declared by Mr. Speaker, duly elected judge of the county court of Dale county.

The two Houses then proceeded to elect a judge of the county court of Fayette county; John Shipp alone being in nomination; for Mr. Shipp 76 votes.

Those who voted for Mr. Shipp are the same as those who voted in the election for the judge of the county court of Dale county, except Messrs. Bagby, Casey, and Clay, of the Senate, and Messrs. Barton of T. Coe, Mead and Morton of the House of Representatives. John Ship having received a majority of the whole number of votes, was declared, by Mr. Speaker, to be duly elected judge of the county court of Fayette county.

The two Houses then proceeded to the election of a judge of the county court of Marion county, De La F. Roysdon alone being in nomination—for Mr. Roysdon 77 votes. Those who voted for Mr. Roysdon are the same as those who voted in the election for judge of the county court of Fayette county. De La F. Roysdon having received a majority of the whole number of votes, was declared, by Mr. Speaker, to be duly elected judge of the county court of Marion county.

The House adjourned till 10 o'clock tomorrow morning.

Friday, December 9, 1825.—Mr. Vaughan, from the select committee to whom was referred the petition of E. G. Musgrove, reported a bill to be entitled an act to compensate county court clerks for paying printer's fees for publishing the appraisement of certain strays, which was read a first time, and ordered to be read a second time.

Mr. Mead, from the committee on divorce and alimony, to whom was referred the record and proceedings of the circuit court of Tuscaloosa county exercising chancery jurisdiction in the case of Wm Bryant vs. Rhody Bryant, for divorce, reported a bill to be entitled an act to divorce Wm. Bryant from Rhody Bryant, which was read a first time, and ordered to be read a second time.

A message from the Senate by Mr. Lyon their Secretary:

Mr. Speaker.—The Senate concur in the resolution of your honourable body appointing a committee on your part to act with such committee as may be appointed on the part of the Senate to examine the books and accounts relating to the offices of the comptroller of public accounts, and to the treasury department of this state. They have appointed a committee on their part to consist of Messrs Crawford, Jackson of Laud. and Bagby. They have read three times and passed, bills which originated in their House, entitled an act to provide a speedy remedy against the obligors in injunction bonds; an act declaring Big Loss creek a public highway: in which they desire your concurrence. They have also read three times and passed, a bill which originated in your House, entitled an act for improving the navigation of the port and harbour of Mobile.

A bill to be entitled an act to authorize Cæsar Kennedy to erect toll-bridge, which was read a second time, and laid on the table.

Mr. Warren obtained leave to introduce a bill to be entitled an act authorizing merchants, physicians, shop-keepers, mechanics, and others to prove their own accounts, was read a first time, and ordered to be read a second time.

Engrossed bills from the Senate of the following titles: to wit: an act declaring Big Loss creek a public highway; an act to provide a speedy remedy against the obligors in injunction bonds,—were severally read a first time, and ordered to be read a second time.

Mr. Heard obtained leave to introduce a bill to be entitled, an act to establish and incorporate the town of Summerville, in the county of Morgan, which was read a first time, and ordered to be read a 2d time.

Joint resolution memorializing the Congress of the U. States, was read a second time. *Mr. Vining* moved to strike out that part of the resolution which relates to the loan of money, which was carried, and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of James Frazier, late tax-collector of Franklin county, was read a second time and ordered to lie on the table.

A bill to be entitled an act the more effectually to prevent the trading with slaves, was read the second time and ordered to be engrossed for a third reading.

A bill to be entitled an act making appropriation for the payment of a certain claim against the state, was read a second time and referred to the committee on accounts.

Mr. Cook obtained leave to introduce a bill to be entitled an act to regulate elections, which was read a first time and ordered to be read a second time.

Mr. Moore offered the following resolution: *Resolved*, that when this House adjourn, it shall stand adjourned until 12 o'clock on Tuesday next, which was decided in the negative—Yeas 28, nays 35.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coleman	Greening	McLemore	Shotwell
Bailey of Mt.	Cook	Hallett	McNeill	Walthall
Barton of Mt.	Creagh	Jones	Moore	Watson
Beason	Crenshaw	Lambert	Oliver	Weissinger 28
Bridges	Dellett	Mardis	Pickens	
Broadnax	Fitzpatrick	Martin of La.	Saffold	

Those who voted in the negative, are

Mr. Armbrister	Coe	Heard	Martin of Fr.	Thornton
Barton of T.	Conner	Hickman	Mead	Tindall
Baylor	Coopwood	Inge	Morton	Vaughan
Baxter	Davis	King	Neal	Vining
Brandon	Dupuy	Lewis	Peyton	Warren
Brown	Edmondson	Lyon	Sims	White
Coalter	Fluker	Martin of Li.	Tate	Williams—35.

Mr. Davis, from the joint committee of both Houses of the General Assembly for the purpose of examining and reporting the situation of the public arms belonging to this state now in the arsenal at this place—*Reported*, that they have discharged that duty, by opening several of the boxes containing said arms, as well as several boxes containing the cartridge boxes, straps, &c. which are found in good order. We deemed it unnecessary to open all the boxes, as we supposed those opened were a fair sample of the residue. We found in the arsenal 60 or 70 stand which had been used during the visit of Gen. Lafayette to this place, not in *very* good order. As regards the number and description of the arms, &c. now in the state arsenal, we beg leave to refer the House to the quarter-master general's report accompanying this report: in which report the House concurred.

The House adjourned till to-morrow morning 9 o'clock.

Saturday, December 10, 1825.

Mr. Hallett presented the memorial of David Rust, B. J. Randall, and Thos. Murray, in relation to the circuit and county courts of Mobile county, which was read and referred to the judiciary committee.

Mr. Martin of Frank. presented the record and proceedings of the

circuit court of Franklin county, exercising chancery jurisdiction, in the case of Wm. Gates vs. Susannah Gates for divorce, which was read and referred to the committee on divorce and alimony.

Mr. Mead, from the committee on divorce and alimony, to whom was referred the record and proceedings of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, in the case of Nancy Gillespie vs. Andrew S. Gillespie for divorce, reported a bill to be entitled an act to divorce Nancy Gillespie from Andrew S. Gillespie, which was read a first time and ordered to be read a second time.

Mr. Vining, from the committee on county boundaries, to whom was referred a bill from the Senate to be entitled an act to alter the lines of Madison and Jackson counties, reported that they had amended the same by adding thereto an additional section in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled an act to authorize the administrators of John Bell, dec'd, of Conecuh county, to convey certain real estate, reported the same without amendment: in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred a bill from the Senate, to be entitled an act to amend the act entitled an act for the limitation of actions and for abolishing vexatious law suits, passed Feb. 2, 1802, reported the same without amendment: in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled an act to repeal in part and amend an act restricting officers from taking commissions on costs collected by them on executions, passed Dec. 31, 1823, reported the same without amendment: in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred a bill from the Senate, to be entitled an act to authorize sheriffs to serve notices, reported the same with an amendment: in which report the House concurred.

The House took into consideration the report of the select committee to whom was referred so much of the governor's message, together with the accompanying documents, as relates to the dividing line between this state and the state of Georgia. *Ordered*, that the report together with the accompanying documents, be referred to the same committee. *Ordered*, that Mr. Thornton be added to the select committee to whom was referred so much of the governor's message, together with the accompanying documents, as relates to the dividing line between this state and the state of Georgia.

Mr. Mardis, from the select committee to whom was referred the petition of Ed. King, T. T. Walker, Sally B. Stevens and E. W. Powell, reported a bill to be entitled an act for the relief of Edmund King and others; which was read a first time and ordered to be read a 2d time.

Message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed a bill which originated in the House of Representatives, entitled an act to alter the times of holding the county courts in the county of Morgan, and have amended the same by striking out the word *third*, in the fifth line of the first section and inserting *fourth*: in which amendment they desire your concurrence and then he withdrew. In which amendment the House concurred.

Bills of the following titles, to wit: An act to change the name of David Tuppence; An act to authorize Cesar Kennedy to erect a toll bridge; An act to provide for the registration of deeds, grants, &c.; An act authorizing the county court of Morgan county to make a certain allowance therein named; An act to change the name of and legitimate certain persons therein named; An act to change the name of and legitimate James Bum; An act supplementary to an act appointing agents to select a certain quarter section of land for the county of Shelby, and for other counties therein named, passed Dec. 15, 1824; An act to establish a permanent seat of justice in the county of Walker and for other purposes, were severally read a second time and ordered to be engrossed for a third reading on Monday next.

Engrossed bill from the Senate to be entitled an act establishing and permanently locating the seat of government for the state of Alabama, pursuant to the 29th section of the 3d article of the constitution, was taken up and read a second time. Mr. Dellett moved that the said bill, with the accompanying documents, be referred to a select committee, which was decided in the negative—Yeas 30, nays 33.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mt. Cook	Greening	Martin of La.	Pickens
Barton of Mo. Creagh	Hallett	McLemore	Saffold
Bridges	Crenshaw	McNeill	Shotwell
Benson	Davis	Moore	Walthall
Broadnax	Dellett	Mortons	Watson
Coleman	Fitzpatrick	Martin of Fr.	Oliver
			Weissinger 30

Those who voted in the negative, are

Mr. Speaker	Coalter	Heard	Mead	Tindall
Armbrister	Coe	Hickman	Neill	Vaughan
Barton of Tus	Conner	Inge	Peyton	Viney
Baylor	Coopwood	Klug	Sims	Warren
Baxter	Dupuy	Lewis	Tate	White
Brandon	Edmondson	Lyon	Thornton	Williams—33
Brown	Fleker	Martin of Li.		

Ordered, That said bill, with the accompanying documents, be referred to a committee of the whole house on Monday next.

Bills of the following titles: to wit—an act to establish a certain election precinct therein named; an act to establish an election precinct in the county therein named—were taken up, and severally referred to a select committee, consisting of Messrs. Mead, Lyon, and McLemore.

Engrossed bill from the Senate, to be entitled an act to repeal in part an act entitled, an act to establish certain counties therein named, and for other purposes, passed December 17, 1821, and for other purposes, was read a third time and passed. *Ordered*, That the clerk acquaint the Senate therewith.

Engrossed memorial (from the Senate) of the Senate and House of Representatives of the State of Alabama in General Assembly convened, was read a second time, and referred to a select committee, consisting of Messrs. Greening, Davis, and Morton.

On motion of Mr. Coopwood, *Resolved*, That the military committee be instructed to inquire into the expediency of revising, consolidating, and reducing into one, all the militia and patrol laws of this state, with such amendments as they may think necessary; and

also of furnishing each captain, and commissioned officer of high rank, with a copy thereof.

Mr. Martin of L. offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law authorizing the qualified voters in each battallion in the several regiments in this state, severally, to elect two, or some other suitable number of commissioners of roads and revenue; and that the said commissioners be householders, residents in their respective battallions, and over the age of twenty-five years; and that said commissioners report by bill or otherwise; which was lost.

A bill to be entitled, an act to authorize Isaac Jordan to emancipate a certain slave therein named, was read a 2d time & laid on the table.

On motion of Mr. Williams, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing the office of county treasurer, and the propriety of the clerks of the several county courts to perform the duties of that officer: with leave to report by bill or otherwise.

A bill to be entitled, an act giving further time to persons holding claims against the respective counties of this state to file the same, was read a second time, and referred to the judiciary committee.

Ordered, That Messrs. Davis and Neill be added to the committee on divorce and alimony.

On motion of Mr. Greening, *Resolved*, That the committee on roads, bridges, and ferries be instructed to inquire into the expediency of opening a public road from the bridge over Sturtevant's creek, in the county of Butler, to Black's Bluff, in the county of Wilcox.

Mr. Greening presented the petition of Richard Warren, praying the passage of a law for opening a road, which was read, and referred to the committee on roads, bridges, and ferries.

Ordered, That Mr. Warren be added to the select committee to whom is referred sundry bills on the subject of establishing sundry election precincts. The House adjourned till Monday 10 o'clock, A.M.

Monday, December 12, 1825.

The Speaker laid before the House the record and proceedings of the circuit court of Madison county exercising chancery jurisdiction in the case of Deborah Dixon against Samuel Dixon, for divorce; also the record and proceedings of the said court in the case of Elizabeth Galloway by her next friend John M'Lenden, for divorce,—which were severally read & referred to the committee on divorce and alimony.

Mr. Fluker presented the accounts of Benjamin Barton, sheriff of Marengo county, which was read, and referred to the committee on accounts.

Mr. Thornton presented the accounts of Robert Carrothers, jailer of Madison county, which were severally read and referred to the committee on accounts.

Mr. Fitzpatrick presented the account of Wm. Huit, sheriff of Covington Co. which was read and referred to the committee on accounts.

Mr. Hallett presented the petition and counter petition of sundry inhabitants of the city and county of Mobile, in relation to the county courts of said county, which was read and referred to the judiciary committee.

Mr. Hallett presented the account of Dr. S. Mordecai, which was read and referred to the committee on accounts.

Mr. Mead, from the select committee to whom was referred the petition of sundry inhabitants of Blount county, reported a bill to be entitled an act for the relief of Wm. M'Donald, which was read a first time, and ordered to be read a second time.

Mr. Broadnax presented the memorial of Jesse C. Davis, which was read and referred to a committee of the whole House; to which was on Saturday last referred a bill from the Senate to be entitled, an act establishing and permanently locating the seat of government of the State of Alabama, pursuant to the 29th section of the 3d article of the constitution.

Mr. Brandon obtained leave to introduce a bill to be entitled, an act to establish an office of discount and deposit of the bank of the state of Alabama, which was read a first time. *Mr. Brandon* then moved that the rule which requires bills to be read on three several days be dispensed with, and that this bill be read a second time forthwith; and the question being put, "Shall this bill be read a second time forthwith," it was decided in the affirmative—Yeas 40, nays 19.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Davis	Lambert	M'Neill	Tindall
Bailey of Mt.	Dellett	Lewis	Oliver	Vaughan
Baylor	Dupuy	Lyon	Peyton	Vining
Baxter	Edmondson	Mardis	Pickens	Walshall
Benson	Greening	Martin of Li.	Saffold	Warren
Brandon	Hallett	Martin of La	Shorwell	Watson
Brown	Heard	Martin of Fr.	Sims	Weissinger
Crenshaw	Inge	Mead	Thornton	Williams—40

Those who voted in the negative, are

Mr. Speaker,	Broadnax	Conner	Hickman	Neill
Barton of Mo	Coalter	Coopwood	Jones	Tate
Barton of Tus	Coe	Creagh	McLemore	White—19.
Bridges	Coleman	Fleker	Moore	

Mr. Martin, of Fr. presented the petition of sundry citizens, which was read and referred to a select committee, consisting of *Messrs. Martin of Fr. Hickman, Thornton, and Lyon.*

The House, according to order, resolved itself into a committee of the whole on the bill from the Senate to be entitled, an act establishing and permanently locating the seat of government of the state of Alabama, pursuant to the 29th section of the 3d article of the Constitution—*Mr. Vining* in the chair—And after some time spent in the consideration thereof, the committee rose, *Mr. Speaker* resumed the chair, and *Mr. Vining* reported that the committee of the whole house had directed him to report the bill without amendment. *Mr. Vining* then moved that the committee of the whole be discharged from the further consideration of said bill; which was carried.

Mr. Dellett moved to strike out all of the bill after the enacting clause, with a view of inserting the following: "*Be it enacted*, That commissioners be elected by joint vote of both houses of the General Assembly, who are hereby authorized to locate the seat of government of the state of Alabama within the county of Autauga, upon the north-west quarter of section 33, township 17, range 14. A division of the question being called for, the vote was taken for striking out, and decided in the negative—Yeas 31, nays 32.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Barton of Mo.	Brandon	Broadnax	Cook	Creagh
Bailey of Mt.	Benson	Bridgea	Goleman	Crenshaw	

Davis	Hallett	Martin of Fr	Moore	Shot
Dellett	Jones	Martin of La.	Oliver	Wal
Fitzpatrick	Lambert	M'Lemore	Pickens	Wat
Greening	Mardis	M'Neill	Saffold	Wei

Those who voted in the negative, are

Mr. Armbrister	Conner	Hickman	Morton	Tindall
Barton of Tus	Coopwood	Inge King	Neill	Vaughan
Baylor	Dupuy	Lewis	Peyton	Vining
Baxter	Edmondson	Lyon	Sims	Warren
Brown	Fluker	Martin of Li.	Tate	White
Coalter Coe	Heard	Mead	Thornton	William

The House adjourned till 3 o'clock this evening. *Evening Session, 3d*

Mr. Martin of Lime gave notice that on tomorrow he would move the that so much of the rule No 24, as requires on the call of the House one delay, be stricken out, and in lieu thereof insert fifteen minutes.

The House again resumed the consideration of a bill from the Senate entitled an act establishing and permanently locating the seat of government the state of Alabama, pursuant to the 29th section of the 3d article of constitution. Mr. Kelly moved to amend the 2d section of said bill by insert the word TUSCALOOSA, for the purposes aforesaid, which was decided negative—yeas 20—nays 42.

The yeas and nays being called for, those who voted in the affirmative,

Mr. Speaker	Broadnax	Lambert	M'Lemore	Saffold
Bailey of M.	Coleman	Mardis	M'Neill	Shotwell
Brandon	Cook	Martin of F.	Oliver	Weissing
Bridges	Greening	Martin of La.	Pickens	Watson

Those who voted in the negative, are

Mr. Armbrister	Conner	Fitzpatrick	Lyon	Thornton
Barton of T.	Coopwood	Fluker	Martin of Li.	Tindall
Barton of Mo.	Creagh	Heard	Mead	Vaughan
Baylor	Crenshaw	Hallett	Morton	Vining
Baxter	Davis	Hickman	Neill	Walthall
Benson	Dellett	Inge	Baylor	Warren
Brown	Dupuy	Jones, King	Sims	White
Coalter Coe	Edmondson	Lewis	Tate	William

Mr. Dellett moved to strike out the 2d section in said bill, which was decided in the negative—yeas 28—nays 35.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mt.	Cook	Hallett	M'Lemore	Shotwell
Barton of Mo.	Creagh	Jones	M'Neill	Walthall
Benson	Crenshaw	Lambert	Moore	Watson
Bridges	Dellett	Mardis	Oliver	Weissing
Broadnax	Fitzpatrick	Martin of Fra.	Pickens	
Coleman	Greening	Martin of Lau.	Saffold	

Those who voted in the negative, are

Mr. Speaker	Coalter	Fluker	Martin of Lim.	Thornton
Armbrister	Coe	Heard	Mead	Tindall
Barton of Tus.	Conner	Hickman	Morton	Vaughan
Baylor	Coopwood	Inge	Neill	Vining
Baxter	Davis	King	Peyton	Warren
Brandon	Dupuy	Lewis	Sims	White
Brown	Edmondson	Lyon	Tate	William

Mr. Martin of Lau. moved that the House do now adjourn till 10 o'clock tomorrow, which was decided in the negative—yeas 29—nays 34.

The yeas and nays being called for, those who voted in the affirmative,

Mr. Speaker	Bridge	Creagh	Cook	Dellett	Jones
Benson	Broadnax	Coopwood	Fitzpatrick	Lewis	
Brandon	Coleman	Crenshaw	Greening	Mardis	

Martin of Fra.	M'Neill	Pickens	Walthall	White
Martin of L. n.	Moore	Saffold	Watson	
McLemore	Oliver	Shotwell	Weissinger	

Those who voted in the negative, are

Mr. Armbrister	Coalter	Heard	Martin of Lim.	Thornton
Bailey of Mt.	Coe	Hallett	Mead	Tindall
Barton of Mo.	Conner	Hickman	Morton	Vaughan
Barton of Tus.	Davis	Inge	Neill	Vining
Baylor	Dupuy	King	Peyton	Warren
Baxter	Edmondson	Lambert	Sims	Williams—34
Brown	Floker	Lyon	Tate	

Mr. Moore then moved that the House adjourn till half past 9 o'clock tomorrow morning, which was decided in the negative—Yeas 24—Nays 38.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Benson	Coopwood	Greening	Moore	Walthall
Bridges	Creagh	Jones	Oliver	Watson
Broadnax	Crenshaw	Lewis	Pickens	Weissinger
Coleman	Davis	McLemore	Saffold	White—24.
Cook	Fitzpatrick	McNeill	Shotwell	

Those who voted in the negative, are

Mr. Speaker	Brandon	Hallett	Martin of Fr.	Sims	Tate
Armbrister	Brown	Beard	Martin of La.	Thornton	
Bailey of Mt.	Coalter	Coe	Hickman	Tindall	
Barton of Mo.	Conner	Inge	King	Mead	Vaughan
Barton of Tus.	Dupuy	Lambert	Morton	Vining	
Baylor	Edmondson	Lyon	Neill	Warren	
Baxter	Floker	Mardis	Peyton	Williams—38	

The question was then put, shall the bill from the Senate entitled an act establishing and permanently locating the seat of government of the state of Alabama, pursuant to the 29th section of the 3d article of the constitution, be read a third time on to-morrow? which was decided in the affirmative—Yeas 37, Nays 26.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coalter	Coe	Heard	Martin of Li.	Thornton
Armbrister	Conner		Hickman	Mead	Tindall
Barton of T.	Coopwood		Inge	King	Morton
Baylor	Davis		Lewis	Neill	Vining
Baxter	Dupuy		Lyon	Peyton	Warren
Brandon	Edmondson		Martin of F.	Sims	White
Brown	Floker		Martin of La.	Tate	Williams—37.

Those who voted in the negative, are

Mr. Bailey of Mt.	Coleman	Greening	McLemore	Saffold
Barton of Mo.	Cook	Creagh	McNeill	Shotwell
Benson	Crenshaw	Jones	Moore	Walthall
Bridges	Dellott	Lambert	Oliver	Watson
Broadnax	Fitzpatrick	Mardis	Pickens	Weissinger

Mr. Brown moved that this House adjourn till to-morrow morning 10 o'clock, which was decided in the affirmative—Yeas 42, Nays 17.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brandon	Edmondson	Lyon	Thornton
Armbrister	Broadnax	Fitzpatrick	Martin of Li.	Tindall
Bailey of Mt.	Brown	Floker	Martin of La.	Vaughan
Barton of Mo.	Coalter	Coe	Hallett	Mead
Barton of Tus.	Conner		Heard	McLemore
Baylor	Coopwood	Inge	King	Peyton
Baxter	Dellott	Lambert	Saffold	White
Benson	Dupuy	Lewis	Sims	Williams—42

Those who voted in the negative, are

Mr. Coleman	Davis	Jones	Moore	Neill	Tate
Cook	Creagh	Greening	Mardis	Pickens	Watson
Crenshaw	Hickman	Martin of Fr.	Shotwell	Weissinger	

The House adjourned till to-morrow morning 10 o'clock.

Tuesday, December 13, 1825.

Mr. Warren presented the petition of sundry inhabitants of Green county, praying the passage of a law which will restrain the Indian from coming amongst them, and to prohibit the citizens from hiring them, which was read and referred to the committee on proposition and grievances.

Mr. Cook presented the petition of sundry inhabitants of Wilcox county, praying the passage of a law to annex two townships and quarter lying on the east side of Wilcox county, to Butler county, which was read, and referred to the committee on county boundaries.

Mr. Cook presented the petition of sundry inhabitants of Butler county, praying the passage of a law to annex two townships and quarter lying on the east side of Wilcox county, to Butler county, which was read, and referred to the committee on county boundaries.

Mr. Cook presented the account of the jailor of Butler county, which was read, and referred to the committee on accounts.

Mr. Coopwood presented the petition of Henry Grogg, Willis I land, and John Weir, praying the passage of a law exempting them from patrol duty; which was read, and referred to the military committee.

Mr. Lyon obtained leave to introduce a bill to be entitled, an act to provide for the appointment of an overseer in the towns of St. Stephens, Rodney, and Franklin; which was read a first time, and ordered to be read a second time.

Mr. Thornton obtained leave to introduce a bill to be entitled, an act to authorize judges of the supreme court to appoint a temporary clerk, was read a first time, and ordered to be read a second time, and the rule requiring bills to be read three several days being dispensed with, by four-fifths of the members voting in the affirmative, was read a second time forthwith, and ordered to be engrossed for third reading to-day.

Mr. Barton, of Mob. obtained leave to introduce a bill to be entitled, an act for the better securing the payment of rents, and to regulate the practice of suing out writs of replevin within the corporate limits of the city of Mobile; which was read a first time, and ordered to be read a second time.

Mr. Merton, from the select committee to whom was referred engrossed memorial (from the Senate) of the Senate and House Representatives of the State of Alabama, in General Assembly convened, to the Congress of the U. States, reported the same with an amendment; in which report the House concurred.

Mr. Lambert obtained leave to introduce a bill to be entitled, an act to provide for the appointment of a public weigher for the town of Blakeley; which was read a 1st time, and ordered to be read a 2d time.

Mr. Coe obtained leave to introduce a bill to be entitled, an act to amend an act concerning executors, and sales by sheriffs, and for other purposes, passed 20th December, 1820; which was read a first time, and ordered to be read a second time.

Mr. Mardis obtained leave to introduce a bill, to be entitled an act to alter the time of holding the county court of the county of Shelby; which was read a first time, and ordered to be read a second time. And the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members voting in the affirmative; it was read a second time forthwith, and ordered to be engrossed for a third reading to-day.

Mr. Coalter obtained leave to introduce a bill to be entitled, an act to restrain the taking excessive usury; which was read a first time, and ordered to be read a second time.

Engrossed bill to be entitled, an act to authorize the Judges of the supreme court to appoint a temporary clerk, was read a 3d time and passed. *Ordered* That the title be as aforesaid. *Ordered*, That the title be changed from that of a bill to that of an act. *Ordered*, That the same be sent to the Senate for their concurrence.

The Speaker laid before the House the record and proceedings of the Circuit Court of Madison county, exercising chancery jurisdiction, in the case of *Freema Pond vs. Stephen Pond* for divorce, which was read and referred to the committee on divorce and alimony.

The Speaker laid before the House the petition of John Snoddy, praying the passage of a law to emancipate a certain slave therein named which was read and referred to a select committee, consisting of messrs. *Vining, Heard and Peyton*.

Mr. Coalter from the committee on schools, colleges and universities, and on land and university lands, to whom was referred the petition of *Joseph* inhabitants of Jackson county, reported a bill to be entitled an act for the relief of the inhabitants of the first township, range 7, north of the line in the meridian of Huntsville, was read the first time and ordered to be read a second time to-morrow.

Engrossed bill to be entitled an act establishing and permitting the sale of lands of government of the state of Alabama, pursuant to the provisions of the 3d article of the constitution, was read a third time, and the question being put: shall this bill pass? it was decided in the affirmative—Yeas 38, nays 26.

Those who voted in the affirmative, are
 They who voted in the negative, are

Mr. Speaker,	Coe	Heard	Martin of Fr.	Tindall
Armbrister	Coe	Hickman	Mead	Vaughan
Bailey of L.	Conner	Inge	Morton	Vining
Barton of Tus	Coopwood	King	Neill	Warren
Baylor	Davis	Lewis	Peyton	White
Baxter	Dupuy	Lyon	Sims	Williams—38.
Brandon	Edmondson	Martin of Li.	Tate	
Brown	Fleker	Martin of La	Thornton	

Mr. Bailey of Mt.	Coleman	Greening	McLemore	Saffold
Barton of Mo.	Cook Creagh	Hallett	McNeill	Shotwell
Benson	Crenshaw	Jones	Moore	Walthall
Bridges	Dellett	Lambert	Oliver	Weissinger
Broaduax	Fitzpatrick	Mardis	Pickens	Watson—26.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Message from the Senate by *Mr. Lyon*, their secretary: *Mr. Speaker*, the Senate have read three several times and passed a bill which ori-

ginated in your House, entitled an act to authorize the judges of the supreme court to appoint a temporary clerk; and then he withdrew.

Mr. Heard, from the committee on enrolled bills, reported that he had examined and found correctly enrolled a bill to be entitled an act to authorize the judges of the supreme court to appoint a temporary clerk.

Engrossed bill to be entitled an act to change the time of holding the county courts in the county of Shelby, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for their concurrence.

Wednesday, December 14, 1825.

Mr. Coleman presented the account of the sheriff of St. Clair county which was read and referred to the committee on accounts.

Mr. Coleman presented the account of David Brown, which was read and referred to the committee on accounts.

Mr. Sims presented the petition of sundry inhabitants of Green county, praying the passage of a law authorizing the sale of certain real estate, which was read and referred to the judiciary committee.

Mr. Hallett presented the petition of the directors and stockholders of the Bank of Mobile, praying the passage of a law to release said Bank from taxation, which was read and referred to the committee on ways and means.

The Speaker laid before the House the record and proceedings of the circuit court of Mobile county, exercising chancery jurisdiction in the case of Louisa Marcelina Trouillet vs. Pierre L. Trouillet for divorce, which was read and referred to the committee on divorce and alimony.

The Speaker laid before the House the record and proceedings of the circuit court of Jackson county, exercising chancery jurisdiction, in the case of Edward Maxwell against Susan Maxwell for divorce, which was read and referred to the committee on divorce and alimony.

Mr. Vining from the select committee to whom was referred the petition of John Snoddy, reported a bill to be entitled an act to authorize John Snoddy to manumit a certain slave therein named, which was read a first time and ordered to be read a second time.

Mr. Heard presented the account of Josiah Evans, which was read and referred to the committee on accounts.

Mr. Vaughan obtained leave to introduce a bill to be entitled an act to alter the mode of appointing assessors and tax collectors, which was read a first time and ordered to be read a second time.

Mr. Brandon obtained leave to introduce a bill to be entitled an act to compel the owners of hired slaves to pay physician's fees, was read a first time, and the question being put, shall this bill be read a second time? it was decided in the affirmative—Yeas 35, nays 24.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coopwood	Heard	Martin of Li.	Tate
Armbrister	Crenshaw	Inge	Mead	Thornton
Bailey of Mt.	Davis	Jones	McLemore	Tindall
Barton of Mo.	Dupuy	King	McNeill	Vaughan
Baxter	Edmondson	Lewis	Morton	Vining
Brandon	Fitzpatrick	Martin of Fr.	Oliver	Watson
Broadnax	Fluker	Martin of La.	Saffold	Weissinger

Those who voted in the negative, are

Mr. Barton of T.	Coulter	Crough	Moore	Walthall
Baylor	Coe	D. Holt	Neill	Warren
Benson	Coleman	Hickman	Peyton	White
Bridges	Cook	Lyon	Pickens	Williams—24.
Brown	Conner	Mardis	Sims	

Mr. Barton of Mob. obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile, which was read a first time and ordered to be read a second time.

A bill to be entitled an act to establish an office of discount and deposit of the Bank of the state of Alabama, was read a second time and referred to the bank committee.

Mr. Coulter obtained leave to introduce a bill to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Lauderdale county to levy a tax for the purposes therein specified, which was read a 1st time and ordered to be read a 2d time.

Mr. Coe from the select committee to whom was referred the petition of sundry inhabitants of Lawrence county, reported a bill to be entitled an act to extend the corporate limits of the town of Moulton, and for other purposes, which was read a first time and ordered to be read a second time.

Mr. Mardis presented the petition of sundry inhabitants of Shelby county, praying the passage of a law authorizing the location of the seat of justice of said county; which was read, and referred to a select committee, consisting of Messrs. Mardis, Lyon, and Conner.

On motion of Mr. Barton, of Mob. *Resolved*, That a select committee be appointed to inquire what provision, if any, is necessary to be made by law for assuring the safety of property transported in steam-boats and barges on the several rivers of this state, with leave to report by bill or otherwise; whereupon Messrs. Barton of Mobile, Tindall, Pickens, and Benson were appointed said committee.

Ordered, That Mr. Coopwood be added to the military committee.

On motion of Mr. Edmonson, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law authorizing Justices of the Peace to issue executions against plaintiffs or costs, when the defendant is unable to pay the same.

A message from his Excellency the Governor by James J. Thornton, Secretary of State:

Mr. Speaker—I am instructed by the Governor to inform your honourable body, that he did, on the 12th inst. approve and sign an act authorizing Jacob Johnson to emancipate a certain slave therein named; an act for the relief of the principal pilots of Mobile Bay. And on this day, an act to authorize the judges of the Supreme Court to appoint a temporary Clerk.

The House resolved itself into a committee of the whole on a resolution proposing certain amendments to the constitution of the state of Alabama,—Mr. Mead in the chair—and after some time spent in the consideration thereof the committee rose, Mr. Speaker resumed the chair, and Mr. Mead reported that the committee of the whole house had directed him to report sundry amendments. Mr. Mead then moved that the committee of the whole house be discharged from the further consideration of said resolution, which was carried. Mr. Moore moved that said resolution lie on the table till the first day of

June next; which was decided in the negative—yeas 23, nays 3

The yeas and nays being called for, those who voted in the affirmative,

Mr. Bailey of Mt.	Broadnax	Dellett	Inge	Saffold
Barton of Mo.	Cook	Fitzpatrick	M-Lemore,	Thornton
Barton of Tus	Conner	Fluker	Moore	Williams
Baylor	Creagh	Greening	Oliver	
Benson	Crenshaw	Hallett	Pickens	

Those who voted in the negative, are

Mr. Speaker	Coe	Hickman	Mead	Vaughan
Armbrister	Coleman	Jones, King	McNeill	Vining
Baxter	Coopwood	Lewis	Neill	Walthall
Brandon	Davis	Mardis	Peyton	Warren
Bridges	Dupuy	Martin of La.	Sims	Watson
Brown	Edmondson	Martin of Li.	Tate	Weissing
Coalter	Heard	Martin of Fr.	Tindall	White—3

The House adjourned till half past 3 o'clock.

Evening Session, half past 3 o'clock

The House resumed the consideration of a resolution proposing amendments to the Constitution of the state of Alabama—Mr. Greening on that said resolution lie on the table; which was decided in the negative—yeas 33.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Bridges	Dellett	Lyon	Saffold
Bailey of Mt.	Broadnax	Fitzpatrick	Mardis	Thornton
Barton of Mo.	Cook	Fluker	M-Lemore	William
Barton of T.	Conner	Greening	Moore	
Baylor	Creagh	Inge	Oliver	
Benson	Crenshaw	King	Pickens	

Those who voted in the negative, are

Mr. Armbrister	Coopwood	Lewis	Neill	Walthall
Baxter	Davis	Martin of Li.	Peyton	Warren
Brandon	Dupuy	Martin of Fr.	Sims	Weissing
Brown	Edmondson	Martin of La.	Tate	White
Coalter	Heard	Mead	Tindall	Watson
Coe	Hickman	McNeill	Vaughan	
Coleman	Jones	Morton	Vining	

The question was put on concurring in the amendment made by the committee of the whole to the resolution, by striking out the word "two," and inserting the word "four," where it reads thus, "The Senators shall be chosen for the term of two years," &c. and determined in the affirmative—yeas 36, nays 4.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brandon	Delett	Lyon	Sims
Armbrister	Bridges	Dupuy	Mardis	Tate
Bailey of Mt.	Brown	Fluker	Moore	Thornton
Barton of Mo.	Coalter	Greening	Morton	Tindall
Baylor	Coe Cook	Hickman	Oliver	Vaughan
Baxter	Conner	Inge	Peyton	Vining
Benson	Creagh	King	Pickens	

Those who voted in the negative, are

Mr. Broadnax	Edmondson	Martin of Fra.	McNeill	Watson
Coleman	Fitzpatrick	Martin of Lau.	Neill	Weissing
Coopwood	Heard	Martin of Lim.	Saffold	White
Crenshaw	Jones	Mead	Walthall	Williams
Davis	Lewis	McLemore	Warren	

The House also concurred in the amendment made by the committee of the whole, to the resolution, by inserting the words "by the qualified electors" before the word "chosen," where the resolution reads thus, "the Senators shall be chosen for the term of two years," &c. Mr. Martin of F. offered the

amendment, strike out of the 24th section of the 4th article the words "and who shall not be eligible to serve either as principal or deputy, for the three succeeding years," which was lost—yeas 19, nays 41.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Co pwood	Hickman	Mead	Watson
Baxter	Crenshaw	Jones	McNeill	We ssinger
Broadnax	Davis	Lewis	Peyton	Williams—19.
Coleman	Fitzpatrick	Martin of Fr.	Tindall	

Those who voted in the negative, are

Mr. Armbrister	Brayn	Fuker	Martin of Li.	Sims
Bellamy of Mt.	Coalter	Greening	McLemore	Tate
Barton of Mo.	Coe	Cook	Moore	Thornton
Barton of Tus.	Conner	Inge	Morton	Vaughan
Baylor	Creagh	King	Neill	Vining
Benson	Dellett	Lyon	Oliver	W. L. Hall
Brandon	Duony	Mardis	Pickens	Warren
Bridges	Edmondson	Martin of La.	Saffold	

Mr. Coalter moved to strike out the words "at the same time" where they occur in the 13th line after the word "years," which was carried. Ordered, that said resolution be referred to a select committee, consisting of Messrs. Morton, Coalter, Martin of L. Benson and Bridges.

Mr. Coalter obtained leave to introduce a bill to be entitled an act to amend an act entitled an act prescribing the duties of certain public officers, passed Dec. 17, 1819; which was read a first time and ordered to be read a second time.

On motion of Mr. Burton of Mobile, resolved that the military committee be instructed to inquire into the expediency of organizing the militia of Mobile county as a regiment.

And the House adjourned till to-morrow morning 9 o'clock.

Thursday, December 15, 1825.

Mr. Brandon presented the memorial of Nelson Robinson and his associates, praying the passage of a law authorizing them to canal the Muscle shoals in Tennessee river; which was read and referred to the committee on inland navigation.

Mr. Thornton presented the petition of sundry inhabitants of Madison county, praying the passage of a law granting them the exclusive privilege of piloting boats over the Muscle Shoals on the Tennessee river; which was read and referred to the committee on inland navigation.

Mr. Davis presented the petition of sundry inhabitants of Franklin county, praying the passage of a law authorizing the erection of an academy at the village of La Grange in the county of Franklin; which was read and referred to a select committee, consisting of messrs. Davis, Coalter and Edmondson.

Mr. Creagh presented the petition of John Hanes, late adjutant-general; which was read and referred to the committee on accounts.

Mr. Creagh presented the account of the sheriff of Clarke county; which was read and referred to the committee on accounts.

Mr. Greening, from the military committee, to whom was referred the petition of sundry persons of Wilcox county, praying that the said county may be divided into two regiments, reported that the prayer of the petitioners is unreasonable and ought not to be granted; in which report the House concurred.

Mr. Mead, from the select committee, to whom was referred sundry bills on the subject of establishing different election precincts, reported the same with sundry amendments; in which report the House concurred.

Mr. Moore, from the select committee, to whom was referred the petition of Ben. Lock, reported a bill to be entitled an act, authorizing Ben. Lock to emancipate a certain slave therein named; which was read a first time, and ordered to be read a second time.

On motion of Mr. Vining, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of repealing the 21st section of an act regulating judicial proceedings in certain cases, and for other purposes, passed Dec. 18th, 1811; which enacts that no executor or administrator shall be liable out of their individual estate for non-pleading, mis-pleading, or false pleading, in or to any action whatever which may be brought against them on suit.

Mr. Martin of La. presented the account of Henry Gerrard; which was read and referred to the committee on accounts.

On motion of Mr. Barton of Tusk., *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of adopting some effectual mode for the recovery of all property heretofore escheated to the state, and of all other property or debts to which the state is entitled, with leave to report by bill or otherwise.

Engrossed bills of the following titles, to-wit: An act to change the name of and legitimate James Leana; An act to change the name of David Tuppence; An act authorizing the county court of Morgan county to make a certain allowance therein named; An act to establish the permanent seat of justice in the county of Jackson, and for other purposes; An act supplementary to an act to empower agents to select quarter section of land for the county of Shelby, and other counties therein named, passed Dec. 15, 1822, and an act to change the name of and legitimate persons therein named, were severally read a 3d time and passed. *Ordered* that the titles be changed from that of bills to that of acts. *Ordered* that the same be sent to the Senate for their concurrence.

On motion of Mr. Barton of T. *Resolved*, that the jud. committee be instructed to inquire into the expediency of requiring notice to be given to the opposite party in all cases removed from justices' courts by certiorari recordori facias & appeal, with leave to report by bill or otherwise.

Mr. Morton from the committee on county boundaries, to whom was referred the petition of sundry inhabitants of Wilcox and Butler counties, *reported* that the prayer of the petitions ought not to be granted, as the county of Wilcox would be reduced below its constitutional limits in which report the House concurred.

Mr. Martin of Laud. presented the account of Abner Ree; which was read and referred to the committee on accounts.

Engrossed bill to be entitled an act providing for the registration of deeds, grants, &c. Mr. Creagh moved to amend said bill by way of engrossed rider, which was carried. Mr. King moved to fill the blank where it occurs in the third line of the 2d section with the word *five* which was decided in the negative—Yeas 22, nays 33.

The yeas and nays being called for those who voted in the affirmative, are Mr. Bailey of Mont. Broadnax, Brown, Coleman, Dupuy, Fitzpatrick, Fluker, Inge, King, Lambert, Mardis, Mead, McLenore, Neill, Tindall, Vaughan, Vining, Warren, Watson, Weissinger, White, Williams—22.

Those who voted in the affirmative, are Mr. Speaker, Armbrister, Barton, Mobile, Baylor, Baxter, Benson, Brandon, Bridges, Coalter, Coe, Cook, Connor

Coopwood, Creagh, Crenshaw, Davis, Dellett, Edmondson, Greening, Hallett; Harb. Hickman, Jones, Lewis, Martin of Fr. Martin of L. Moore, Morton, Peyton, Pickens, Saffold, Tate, Walthall—33.

Mr. King moved to amend the bill by way of engrossed rider; Mr. Culter moved to amend by way of engrossed rider, which was carried. Mr. Martin of Lime. moved to amend said bill by way of engrossed rider. *Ordered*, that said bill lie on the table.

Engrossed bill to be entitled an act the more effectually to prevent trading with slaves was read a 3d time; *Mr. Morton* moved to amend the same by way of engrossed rider; "*Provided* that the purchase of brooms, horse-collars made of shocks or bark, bread-trays, cotton baskets, foot and bed-mats shall not be considered a violation of this act, which was carried.

Mr. Coopwood moved to amend the amendment, by inserting the following after the word mats, *or any other article that is common for negroes to make*, which was determined in the negative—yeas 1, nays 56. The yeas and nays being called for, those who voted in the affirmative, are Mr. Coopwood 1.

Those who voted in the negative, are

Mr. Sneaker	Brown	Floker	Martin of La.	Tate
A. Abbrister	Culter	Greening	Martin of Li.	Thornton
Barney of Mt.	Coe	Hallett	Mead	Tindall
Barton of Mo.	Coleman	Heard	McLemore	Vaughan
Barton of Tus	Cook	Hickman	Moore	Vining
Baylor	Conner	Inge Jones	Morton	Walthall
Baxter	Creagh	King	Neill	Warren
Benson	Davis	Lambert	Peyton	Watson
Brandon	Dellett	Lewis	Pickens	Weissinger
Bridges	Dupuy	Lyon	Saffold	White
Broadnax	Edmondson	Mardis	Sims	Williams—56.

Mr. McLemore moved to amend the same by way of engrossed rider—strike out the words made of *corn shucks and bark*, which was lost. The question was put, shall this bill pass, and determined in the affirmative. *Ordered* that the title be changed from that of a bill to that of an act. *Ordered* that the same be sent to the Senate for their concurrence.

Ordered that Mr. Broadnax have leave of absence till Monday next.

Engrossed resolution memorializing the Congress of the United States, was read a 3d time and recommitted to the select committee to whom was referred a message of his excellency the Governor with the accompanying documents.

A bill to be entitled an act for the relief of Wm. McDonald, was read a 2d time—Mr. Mead moved the following amendment, at the end of the first section; "*Provided* that he be bound to observe the existing laws on all other days," which was carried, and ordered to be engrossed for a third reading.

Mr. Lambert obtained leave to introduce a joint resolution, memorializing the Congress of the United States, which was read a first time and ordered to be read a 2d time.

Engrossed bill to be entitled an act to authorize Ceaser Kennedy to erect a toll-bridge, was read a 3d time and passed. *Ordered* that the title be changed from that of a bill to that of an act. *Ordered* that the same be sent to the senate for their concurrence.

A bill to be entitled an act to provide for the appointment of an overseer for the towns of St. Stephens, Rodney and Franklin, was read a 2d time and ordered to be engrossed for a 3d reading.

The House adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock. Mr. Fitzpatrick from the committee on propositions and grievances, to whom was referred the petition of Robert Irwin and Pelatiah Whitehurst, reported a bill to be entitled an

act to authorize the county courts of Henry and Dale counties to levy a tax on said counties for certain purposes therein mentioned, which was read a first time and ordered to be read a 2d time.

A bill to be entitled an act to compensate county court clerks, for paying printer's fees for publishing the appraisement of certain strays, was read a 2d time; *Mr. Vining* moved to amend the same by adding thereto two additional sections, which was carried, and ordered to be engrossed for a 3d reading.

Mr. Merton moved that the House reconsider a vote taken in concurring with the report of the committee on county boundaries, to whom was referred the petition of sundry inhabitants of Wilcox and Butler counties, which was carried. *Ordered* that said report lie on the table.

A message from the Senate, by *Mr. Lyon*, their Secretary: *Mr. Speaker*, The Senate have read three times and passed bills which originated in their House of the following titles, to wit: An act to provide against unnecessary detention of grand juries, and for other purposes; An act the better to organize the militia of Covington and Dale; An act to incorporate the trustees of Moulton academy; An act to repeal in part an act, entitled an act for the punishment of crimes and misdemeanors; An act to alter and amend the several laws now in force in this state, to suppress the evil practice of duelling; An act to provide for reviving actions of trespass; An act to authorize the court to require security for costs; An act to repeal an act, entitled an act respecting bail in civil cases, in all of which they desire your concurrence. They have also read three times and passed a bill which originated in the House of Representatives, entitled an act to change the time of holding the county courts in the county of Shelby; and then he withdrew.

A bill, to be entitled an act to establish a permanent seat of justice for the county of Jackson, and for other purposes, was read a second time and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, to be entitled an act to amend the act entitled an act for the limitation of actions and for avoiding vexatious law suits, passed Feb. 2, 1802, was taken up and referred to a committee of the whole House on tomorrow.

A bill, to be entitled an act to alter the mode of appointing assessors and tax collectors; was read a second time and laid on the table.

Engrossed bills from the Senate of the following titles, to wit: An act to alter and amend the several laws now in force in the state to suppress the evil practice of duelling; An act to repeal an act, entitled an act respecting bail in civil cases; An act to provide against an unnecessary detention of grand juries, and for other purposes; An act to authorize the courts to require security for costs; An act to provide for reviving actions of trespass; An act to repeal in part an act, entitled an act for the punishment of crimes and misdemeanors; An act to incorporate the trustees of Moulton academy; An act the better to organize the militia of the counties of Covington and Dale; which were severally read a first time, and ordered to be read a second time.

A bill, to be entitled an act to provide for an extra term of the circuit court in Mobile and Baldwin counties; was read a second time and ordered to be engrossed for a third reading.

Mr. Barton of *Al* presented the petition of sundry inhabitants of the city and county of Mobile, praying the passage of a law extending the time for collecting taxes in said county; which was read and referred to the committee on ways and means.

And then the House adjourned till tomorrow morning, 9 o'clock.

Friday, December 16, 1825.

Mr. Hallett, from the joint committee appointed by both Houses of the General Assembly to inspect the general accounts in the books of the State Bank, with full powers to send for persons and papers, reported that,

They have required of the Cashier to exhibit to them a list of the debtors of the Bank, and the evidence of debt; the ledger, termed by the cashier, the individual ledger; the discount book; and the offering book: all of which he has refused to exhibit, as will appear by a memorandum in writing, hereto annexed,—marked A

The ground of refusal is stated to be, that provision in the charter, which takes away from the General Assembly the right of “inspecting the account of any private individual or individuals, or any body politic or corporate, with the bank.”

By the 12th section of the law establishing the Bank, it is made “the duty of the President and Directors to furnish to the General Assembly, within the first week of every session, statements of the amount of capital stock of said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash on hand; together with all other property of said Bank, both real and personal.” And it is provided “that the General Assembly shall have a right to inspect such general accounts as shall relate to the said statement.”

If the General Assembly have no more power over the affairs of the Bank than is now admitted by its officers, it must be evident, that they have no control over the institution, except such as arises from the election of its directors; and that even here they must proceed without sufficient light to direct their choice. If the power given to the General Assembly to inspect the general accounts of the bank, extends no farther than to see that the statement furnished by the president and directors, is a true copy from the books as kept by the officers of the Bank, then is this power useless.

It is believed by the joint committee, that the power reserved to the General Assembly was designed to enable the two Houses to ascertain whether the provisions of the charter have been observed; whether individuals have, or have not, had greater discounts than are allowed by the charter; whether the several counties have, or have not, had their proper proportion of discounts; whether the Directors who are chosen by the General Assembly, and are amenable to it, have, or have not, honestly and faithfully discharged the trust reposed in them; and finally, whether the funds which have been invested in the State Bank, are or are not, secure.

The ascertainment of these things is a matter of much interest to the State, and materially concerns the general welfare. But if the construction given by the Directors and Cashier to the charter, be correct, the General Assembly is debarred of all this information.—They cannot ascertain, that any debts are due to the State, except from the statements of its agents; and the acts of those agents are placed beyond scrutiny. By this construction too, the funds of the state are placed beyond the inspection or control of the representatives of the people.

These are the results from the construction given by the officers of the Bank to its charter. They shew the fallacy of the reasoning which leads to such conclusions.

But it is not necessary to resort to any thing but the charter itself to shew that this construction is full of error. In the 16th section of the act establishing the Bank, a right is given to the comptroller to inspect “all the accounts and books of the Bank—provided, that this act shall not be construed to imply a right of inspecting the accounts of any private individual or individuals with the Bank.” By this section the same restriction is placed upon the comptroller, in relation to private accounts, as is in another part of the same act, imposed upon the General Assembly. Yet in the same section, the power is given to him to inspect all the books of the Bank. If the comptroller be not prohibited by the above mentioned restrictive words, from an inspection of the books of the Bank, it follows irresistably, that the general assembly, whose powers over the Bank are limited on-

by the same restrictive words, is not restrained from an examination of its books. The people of the state are the stockholders in this institution. In every bank, of which the committee have any knowledge, the right of examining all the books, accounts and debts, due to the bank, is reserved to the stockholders. They beg leave to refer to the charters of the several banks established in this state, to shew that such a power is reserved to the stockholders. Any construction of the charter of the state bank, which denies to the representatives of the people, who are the stockholders in this bank, the power of examining the transactions of the bank, takes from them a right which it has been deemed important to secure by charter to the stockholders in every other bank. To require of the president and directors to make a statement of the situation of the bank to the general assembly, and yet to deny the general assembly the power to ascertain the truth of such statement, is an inconsistency, of which the framers of the charter cannot have been guilty.

The joint committee were the less prepared to hear from the officers of the bank, a denial of their right to inspect the books of the bank; inasmuch as that right had been distinctly admitted, and the scrutiny invited by the president and directors in their annual statement. The president and directors say, that "the general assembly has very properly reserved to itself the right of examining, by a joint committee, the general accounts and *books* of the bank relating to such statement, whenever it may be deemed necessary. If such committee should now be appointed, it would be a matter of gratification to the directors; and they would very respectfully suggest the propriety & policy of making it an established custom to appoint, at each session of the general assembly, a joint committee, to inspect the *books, & examine the operations* of the bank. This might be very efficacious in preventing or *detecting*, at an early period, any *mismanagement* in its *affairs*.

By the individual accounts, the joint committee understand the cash accounts of individuals. Many individuals have accounts with banks, who have had no discounts. In these accounts the bank can have no interest; and therefore the directors and stockholders have no right to examine them. In all banks, so far as the committee are informed, a rule exists similar to that contained in the charter of the state bank. But this rule has never been construed to prohibit the directors from examining the discount book. Without a frequent recurrence to the credit book, which shews the amount discounted for each individual, the affairs of no bank can be conducted with safety. Without it, the directors could not ascertain whether any individual had been accommodated as far as his credit would justify. In the case of the state bank, it cannot be perceived how it would be possible to ascertain whether any individual had received more than the sum allowed by the charter to be discounted; or whether any county has received its due proportion of discounts, without a resort to this book.

The joint committee are very clear in the opinion, that they have not exceeded the authority vested in them by the law creating the state bank, in requiring of the cashier an exhibit of the books of the bank and the debts due to that institution. And for the purpose of ascertaining the sense of the two houses in relation to their powers over the state bank, they submit to them the following resolution, the adoption of which they recommend: *Resolved*, that the general assembly have the right to inspect, by a joint committee, all the books of the bank, and all the evidences of debt due to that institution.

The statement referred to in the foregoing report marked

[A] The cashier refuses to submit to the committee, the individual ledger, the discount book, the offering book, and note book--because either of these books cannot be shewn without divulging the private accounts. He also objects to exhibiting the notes discounted, for the same reasons; they bring, as the board conceives, the basis of the principal part of all the accounts of that kind in bank.

(Signed)

J. B. COOK.

Which said report was ordered to lie on the table.

Ordered, that 100 copies thereof be printed for the use of this House.

Mr. Tate, from the committee on inland navigation, to whom was referred the several resolutions instructing them to inquire into the expediency of providing by law for obtaining a correct knowledge of the several objects proper for improvement in relation to the navigable waters in this state, and for making a systematic and economical application of the means provided and to be provided, for those objects, reported a bill to be entitled, an act for procuring the necessary surveys, plans, and estimates upon the subject of canals, and for improving the navigable waters of this state, which was read a first time, and ordered to be read a second time.

Mr. Dellett from the judiciary committee to whom was referred the petition of A. Alston and others, praying for leave to sell certain real estate, belonging to the heirs of G.W. Morton, dec'd, reported that the prayer of the petitioners ought not to be granted: in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred a resolution of the House instructing them to inquire into the expediency of passing a law authorizing Justices of the Peace to issue executions against plaintiffs for costs, where the defendant is unable to pay the same, reported a bill to be entitled an act to authorize clerks and magistrates to collect costs in certain cases; which was read a first time, and ordered to be read a second time.

Mr. Dellett, from the judiciary committee to whom was referred a resolution directing them to inquire into the expediency of abolishing the office of county treasurer, and to require the duties of that office to be performed by the clerks of the county courts of the several counties, reported that it is inexpedient to make the change contemplated by the resolution; in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred sundry petitions signed by many citizens of the city and county of Mobile, praying for certain amendments and alterations in the circuit and county court system of said county, reported a bill to be entitled an act respecting the courts in Mobile county, which was read a first time, and ordered to be read a second time.

Mr. Dellett, from the judiciary committee, to whom was referred a resolution directing them to inquire into the expediency of passing a law to prevent sheriffs, coroners, and constables purchasing property directly or indirectly sold by them, respectively reported a bill to be entitled, an act to prevent sheriffs, coroners, and constables purchasing property at their own sales, and for other purposes; which was read a first time, and ordered to be read a second time.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled, an act giving further time to persons holding claims against the respective counties of this state to file the same, reported a bill in lieu thereof, to be entitled, an act to repeal an act entitled an act restricting the recovery of claims against the counties respectively in certain cases, passed December 9, 1823; in which report the House concurred.

Mr. Dellett from the judiciary committee, to whom was referred a resolution directing them to inquire into the expediency of repealing the 21st section of an act regulating judicial proceedings in certain cases, and for other purposes, passed Dec. 18, 1811, which enacts that

no executor or administrator shall be liable out of their individual estate for not pleading, and mispleading, or false pleading in or to action whatever which may be brought against them as such: *Resolved*, that it would be inexpedient to pass the law contemplated by resolution; in which report the House concurred.

Mr. Davis from the select committee, to whom was referred petition of sundry inhabitants of Franklin county, *reported* a bill entitled an act to incorporate the trustees of the La Fayette academy in the village of La Grange; which was read a first time, and ordered to be read a second time.

Mr. Barton of Mob. from the select committee, to whom was referred engrossed joint resolutions, memorializing the Congress of the U. S. *Reported* in lieu thereof joint resolution in relation to a grant of land by Congress to the corporation of the city of Mobile; which was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

Mr. Lyon obtained leave to introduce a bill, to be entitled an act to repeal in part and amend an act fixing the seat of justice of Washington county, and for other purposes; which was read a first time and ordered to be read a second time.

Mr. Watson obtained leave to introduce a bill, to be entitled an act further to suppress immorality; which was read a first time, and ordered to be read a second time.

Mr. Bridges obtained leave to introduce a bill, to be entitled an act to abolish county courts, and to establish courts of ordinary in each county in this state; which was read a first time, and ordered to be read a second time.

Mr. Hickman presented the petition of Wm. Bryant, of the county of Davidson, in the state of Tennessee; which was read & laid on the table.

On motion of Mr. Hickman, *Resolved*, that a committee of five members be appointed to examine Mr. Bryant's machine now in operation in Cahawba, and that they be instructed to report to this House whether it be expedient to purchase of him his patent for the use of the State. *Ordered*, that said resolution lie on the table.

Mr. Peyton obtained leave to introduce a bill, to be entitled an act to fix the compensation of the judges of the circuit courts; which was read a first time, and ordered to be read a second time.

Engrossed bills of the following titles, to wit: An act to compensate county court clerks for paying printer's fees for publishing the proceedings of certain strays, and for other purposes.

An act to provide for an extra term of the circuit court in Madison and Baldwin counties; An act to provide for the appointment of an overseer in the town of St. Stephens, Rodney, and Franklin; An act for the relief of Wm. McDonald; An act to establish a permanent seat of justice in the county of Jackson, and for other purposes, severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the titles be changed from that of bills to that of acts. *Ordered*, that the same be sent to the Senate for their concurrence. Mr. Lyon obtained leave to introduce a bill to be entitled an act to authorize the judge of the county court of Washington county and commissioners of revenue and roads, to levy a special tax for the purpose therein mentioned, and for other purposes; which was read a first time and ordered to be read a second time.

A bill, to be entitled an act to alter the mode of appointing assessors, and tax collectors, was taken up and read a second time. Dellett moved that the same be indefinitely postponed, which was determined in the affirmative. Yeas 31, nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker,	Conner	Hickman	Martin of La	Thornton
Armbrister	Creagh	Inge	Mead	Tindall
Barton of Mo.	Crenshaw	Lambert	Moore	Williams—31.
Barton of Tus	Dellett	Lewis	Morton	
Baylor	Edmondson	Lyon	Oliver	
Coalter	Floker	Mardis	Pickens	
Coe	Hallett	Martin of Li.	Tate	

Those who voted in the negative, are

Mr. Bailey of Mt.	Cook	Greening	M'Neill	Vining
Baxter	Coopwood	Heard	Neill	Walthall
Benson	Coleman	Jones	Peyton	Warren
Brandon	Davis	King	Saffold	Watson
Bridges	Dupuy	Martin of Fr.	Sims	Weissinger
Brown	Fitzpatrick	M'Lemore	Vaughan	White 30

Mr. Coalter moved that the committee of the whole House be discharged from the consideration of a bill from the Senate to be entitled an act to amend the act entitled an act, for the limitation of actions, and for avoiding vexatious law suits, passed Feb. 2, 1802; which was carried. The said bill was then read a second time, and laid on the table. The House adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.—The House proceeded to the orders of the day. Bills of the following titles, to wit: An act to emancipate certain persons therein mentioned, An act to divorce Nancy Gillespie from Andrew S. Gillespie, were severally read a second time, and ordered to be engrossed for a third reading.

A report from the judiciary committee, to whom was referred the petition of Egbert Harris, John Brahan, and Simon Turner, was taken up.

Mr. Kelly moved that said petition be recommitted to same committee, to prepare a bill; which was determined in the negative. Yeas 4, nays 54.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Baylor	Heard	Watson—4
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Those who voted in the negative, are

Mr. Bailey of Mt.	Cook	Creagh	Greening	Martin of La.	Sims
Barton of Mo.	Conner	Hallett	Mead	Thornton	
Barton of Tus	Coopwood	Hickman	M'Lemore	Tindall	
Baxter	Crenshaw	Inge Jones	M'Neill	Vaughan	
Benson	Davis	King	Moore Neill	Vining	
Brandon	Dellett	Lambert	Morton	Walthall	
Bridges	Dupuy	Lewis Lyon	Oliver	Warren	
Brown	Edmondson	Mardis	Peyton	Weissinger	
Coalter	Coe	Fitzpatrick	Martin of Fr.	Pickens	White
Coleman	Floker	Martin of Li.	Saffold	Williams, 54	

Mr. Dellett moved that the House concur in the report of the judiciary committee, which was carried.

Ordered, that Mr. Morton be added to the committee on propositions and grievances.

On motion of Mr. Weissinger, *Resolved*, that a message be sent to the Senate, informing that body that this House will be prepared to proceed to the election of judges of the circuit courts for the several

judicial circuits in this state on Monday next, and requesting concurrence, and that they be invited to assemble in the hall of Representatives on that day; which was laid on the table.

The House then adjourned till half past nine o'clock.

Saturday, December 17, 18

Mr. Benson presented the petition of sundry inhabitants of the and county of Montgomery, praying an act of incorporation in the and style of the trustees of Milton academy, which was read & referred to a select committee, consisting of messrs. Benson, Bridges & C

Mr. Jones presented the petition of Hugh Henry, and also the act of the said Hugh Henry, sheriff of Bibb county, which was read & referred to the committee on accounts.

Mr. Barton of Mo. presented the petition of Richmond Richa praying the passage of a law to emancipate a certain slave there named, which was read and referred to the judiciary committee.

Mr. Fluker presented the petition of John Jordon and John I praying the passage of a law granting them the exclusive privilege certain creek therein named, which was read and referred to a committee, consisting of messrs. Fluker, Lyon and Weissinger.

Mr. Mead from the committee on divorce and alimony, to was referred sundry records and proceedings for divorce, reported bill to be entitled an act divorcing certain persons therein named, was read a first time and ordered to be read a 2d time.

Mr. Mead from the committee on divorce and alimony, to whom referred a transcript of the record of the circuit court of Madison county, divorcing Elizabeth Galloway from James Galloway, reported the divorce ought not to be sanctioned. *Ordered* that the same lie on the table.

Mr. Mead from the committee on divorce and alimony, to whom referred the transcript of a record of the circuit court of Jackson county divorcing Edw. Maxwell from Susan Maxwell, reported as the sense of that committee that the decree of said court ought not to be sanctioned, in which report the House concurred.

Mr. Barton of Mo. from the committee on schools, colleges and universities, and school and university lands, to whom was referred the petition of sundry inhabitants of the city and county of Mobile, praying the establishment of public schools, reported a bill to be entitled an act establishing schools in the county of Mobile, which was read a first time and ordered to be read a 2d time.

Mr. Tate, from the committee on inland navigation, to whom referred the petition of Greene Collier, reported a bill to be entitled an act to authorize Green Collier to build a dam across Flint river in the county of Madison; which was read a first time, and ordered to be read a second time.

Mr. Heard, from the committee on enrolled bills, reported that he had examined and found correctly enrolled bills of the following title to wit—An act to alter the times of holding the county courts in the county of Morgan; An act improving the navigation of the port harbour of Mobile; An act to regulate the mode of summoning jurors for Greene county; An act authorizing the county court of Limestone county to make certain allowances therein mentioned: an act to appoint a commissioner for the town of Montecello, in the county

like, and for other purposes ; An act to change the time of holding the county courts in the county of Shelby.

Mr. Barton, from the select committee to whom was referred resolution of the House, instructing them to inquire what provision, if any, is necessary to be made for assuring the safety of property transported in steam-boats and barges on the several rivers in this state, reported a bill to be entitled, an act to regulate the navigation of certain rivers in this state by steam-boats ; which was read first time, and ordered to be read a second time.

The House then proceeded to the orders of the day.

Engrossed memorial (from the Senate) of the Senate and House of Representatives of the state of Alabama in General Assembly convened, to the Congress of the U. States, was read a second time. Mr. Davis offered the following amendment: The Legislature of the state of Alabama would further respectfully call the attention of the Congress of the United States to the subject of the relinquished and unsold lands within the districts that the public lands in this state have been offered for sale, we would respectfully represent to your honorable body, a large portion of the lands in the aforesaid land districts, have been relinquished to the General Government, and is at present occupied by honest, industrious citizens, whose pecuniary resources are limited : also that a corps of what are termed *land speculators* attend every sale of the public lands, and are so formidable that the honest industrious occupant is necessarily compelled to purchase from them the liberty of purchasing land ; and such is their strength, they are able to bear down all opposition and prevent any thing like competition in your land market, the consequences are, that the United States receive, except in a very few cases, no more than the minimum price for its lands, whilst the honest occupant is in almost every case compelled to give double or treble that price. We would further represent to your honorable body that there is a considerable portion of the land in some sections of this state, of a very inferior quality, which cannot be sold at the minimum price your lands are now offered at, on which said lands a poor honest industrious class of your citizens reside ; and as it should be the first and great care of every government to place it in the power of every one of its citizens to obtain a home, we would respectfully represent to your honorable body, the propriety of classing of your lands into three classes, and a price set by your honorable body on each class, giving the occupant of the land the preference of purchasing at private sale, for ——— months after the passage of a law on that subject ; and provided the occupant should not think proper to purchase said land at the price your honorable body may think proper to set on it, then and in that case any other person shall for ——— months have the liberty of entering said land ; and should not said land be entered at the original price, in the time prescribed, then the price and quality, to be entered every ——— months, be reduced until the price is reduced to twenty-five cents per acre, and the quantity to be entered to be forty acres ; and in all cases the occupant of the land, at the time of the reduction of the price, or the price and quantity of acres, shall have the preference for ——— months, of entering the same. By adopting a system like the foregoing, we are of opinion that the sum received for the public lands would be greatly enhanced, as a larger price would be obtained for lands of the first quality, and a much larger quantity of the public lands would be disposed of, by which means our stated revenue would be greatly increased—which was carried. *Ordered* that the same be recommitted to a select committee, consisting of Messrs. Davis, Greening and Mardis, to consider and report thereon.

Engrossed bill to be entitled an act to divorce Nancy Gillespie from Andrew Gillespie, was read a 3d time, and the question being put, Shall this bill pass ? and there being a constitutional majority in favor of its passage, it was determined in the affirmative—yeas 41—nays 18.

Those who voted in the affirmative, are

Mr. Speaker	Brown	Greening	Martin of Fr.	Thornton
Armbrister	Coalter	Coe	Hallett	Tindall
Bailey of Mt.	Cook	Heard	Martin of La.	Vining
Barton of Mo.	Conner	Hickman	Martin of Li.	Walthall
Barton of Tus	Davis	Inge	King	Warren
Baylor	Dupuy	Lambert	Oliver	White
Baxter	Edmondson	Lewis	Peyton	Williams
Brandon	Fitzpatrick	Lyon	Sims	
			Tate	

Those who voted in the negative, are

Mr. Benson	Creagh	Jones	Pickens	Watson
Bridges	Crenshaw	Mardis	Saffold	Weissinger
Coleman	Dellett	M-Lemore	Shotwell	
Coopwood	Fluker	Moore	Vaughan	

Ordered, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the senate for their concurrence.

Mr. Dellett obtained leave to introduce a bill, to be entitled an act to provide for the removal of the bank of the state of Alabama; which was read a first time, and ordered to be read a second time.

Mr. Saffold presented the petition of sundry citizens owning to lots in the town of Cahawba, praying the passage of a law extending relief to said purchasers; which was read and referred to a select committee, consisting of Messrs. Saffold, Dellett, Creagh, Vining & Baylor, to consider and report thereon.

Engrossed bill to be entitled an act, to emancipate certain slaves therein mentioned, was read a third time and passed. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Davis obtained leave to introduce a bill, to be entitled an act to repeal the 28th section of an act, to repeal in part and amend an act entitled an act to regulate the proceedings in the courts of law and equity in this state, was read a first time; and the question being put, shall this bill be read a second time? it was decided in the negative.

Mr. Armbrister obtained leave to introduce a bill, to be entitled an act to legalize the several official acts of the coroner of Decatur county in this state; which was read a first time, & ordered to be read a 2d time.

Mr. Coleman obtained leave to introduce a bill, to be entitled an act to extend the criminal jurisdiction of St. Clair county, into the creek of the same; which was read a first time, and ordered to be read a 2d time.

A bill to be entitled an act to repeal an act, entitled an act the more effectually to ensure the testimony of absent witnesses by interrogatories; was referred to a select committee, consisting of Messrs. Dellett, Oliver, and Thornton, to consider and report thereon.

A bill to be entitled an act, to authorize Abel Davis, administrator of Daniel Davis, deceased, to sell real estate, was read a second time. Mr. Barton of Tuskaloosa, moved that the further consideration of said bill be indefinitely postponed; which was carried.

A bill to be entitled an act, to authorize the administrators of the estate of John Eell, deceased, late of the county of Conecuh, to convey certain real estate therein named, was read a second time.

Mr. Barton of Tusk. moved that the further consideration thereof be indefinitely postponed; which was lost. *Ordered*, that the same be engrossed for a third reading.

A message from the Senate, by Mr. Lyon their secretary: Mr. Speaker—The Senate have read three times and passed bills which originated in their House, entitled an act to incorporate the town of Blountsville, in the county of Blount; An act to provide for the removal of certain public offices to the town of Tuskaloosa; in which they desire your concurrence. They have also read three times, a joint resolution in relation to a grant of land by Congress to the corporation of the city of Mobile, which originated in this House; and then he withdrew.

A bill to be entitled an act, to authorize the administrators of James Gilleland, deceased, to sell real estate, was read a second time; and the question being put, shall this bill be engrossed and read a third time? it was determined in the negative.

Mr. Oliver moved that the House reconsider a vote given yesterday, on a bill to be entitled, an act to alter the mode of appointing assessors and tax collectors.

The House adjourned till Monday morning 10 o'clock.

Monday, December 19, 1825.—Engrossed bill, to be entitled an act, to incorporate the town of Blountsville, in the county of Blount, was laid on the table.

Engrossed bill from the Senate, to be entitled an act, providing for the removal of certain public offices to the town of Tuskaloosa, was read a first time, and ordered to be read a second time.

Bills of the following titles, to wit: An act altering the manner of executing writs of scire facias; An act for the relief of Leasa Lewis; An act to establish the boundary lines between certain counties therein named; An act to incorporate the Moulton library company, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act, to authorize Harvey Dillahunt, administrator of John L. Viser, deceased, to sell the certificate of a quarter section of land therein described, was read a second time. Mr. M'Le-more moved that the further consideration thereof be indefinitely postponed; which was carried.

Bills of the following titles, to wit: An act to provide for the payment of petit jurors in the counties of Blount and Montgomery, and for other purposes; an act for the relief of Lewis Houser, were ordered to lie on the table.

A bill from the Senate to be entitled an act to repeal an act entitled an act respecting bail in civil cases, was read a first time and referred to the judiciary committee.

Engrossed bill from the Senate to be entitled an act to alter and amend the several laws now in force in this state to suppress the evil practice of duelling, was read a second time. Mr. M'Le-more moved that the further consideration thereof be postponed till the first day of June next, which was determined in the negative—Yeas 22, nays 35.

The yeas and nays being called for, those who voted in the affirmative, are

Mr Brandon	Creagh	Lewis	Saffold	Weissinger
Bridges	Fitzpatrick	Mardis	Shotwell	Watson—22.
Coleman	Fluker	M'Le-more,	Sims	
Conner	Jones	M'Neill	Vining	
Goobwood	King	Pickens	Warren	

Those who voted in the negative, are

Mr. Speaker	Brown	Dunmy	Lyon	Peyton
Armbrister	Coalter	Edmondson	Martin of F.	Thornton
Bailey of Mt.	Coe	Hallett	Martin of La.	Tindall
Barton of Mo.	Cook	Heard	Martin of Li.	Vaughan
Baylor	Crenshaw	Hickman	Moore	Walshall
Baxter	Davis	Inge	Neill	White
Benson	Dellelt	Lambert	Oliver	Williams

Mr. Coalter then moved that the same bill be referred to the judiciary committee, which was carried.

On motion of Mr. Dellelt, *Resolved*, that the comptroller of public accounts lay before this House a statement showing the amount of money paid to individuals who have been employed under the authority of this state as civil engineers, or for the purpose of examining and reporting respecting certain water courses in this state, and the improvement necessary to be made to render them navigable, and the amount and date of each payment.

Engrossed bill from the Senate to be entitled an act to repeal in part an act, passed Dec. 1824, declaring Flint Rock river in Morgan county, a public highway, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bills from the Senate of the following titles to wit: an act to repeal an act, passed Dec. 31, 1823, appropriating the monies arising from fines and forfeitures in Madison county to Greene academy; an act to repeal an act entitled an act to regulate proceedings in chancery suits; an act to provide a speedy remedy against the obligors in injunction bonds; an act declaring Big Loss creek a public highway were severally read a second time and ordered to be read a third time.

Mr. Lambert obtained leave to introduce a bill to be entitled an act to authorize the raising by lottery a sum of money for the purposes therein specified, which was read a first time, and ordered to be read a second time.

Engrossed bill from the Senate to be entitled an act the better to secure money in the hands of clerks, sheriffs and coroners, was read a first time and referred to the judiciary committee.

Mr. Oliver obtained leave to introduce a bill to be entitled an act to establish a supreme court and courts of chancery, which was read a first time and ordered to be read a 2d time. *Ordered* that 100 copies thereof be printed for the use of this House.

The House resumed the consideration of Mr. Oliver's motion to consider a vote given on Friday last, to indefinitely postpone a bill to be entitled an act to alter the mode of appointing assessors and tax-collectors, which was carried. The question was then taken on the indefinite postponement, which was determined in the negative—yeas 27, nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Conner	Fleker	Lewis Lyon	Pickens
Barton of Mo.	Creagh	Hallett	Mardis	Tate
Barton of Tus	Crenshaw	Hickman	Martin of Li.	Thornton
Baylor	Dellelt	Inge	Moore	Tindall
Coalter	Coe	Edmondson	Lambert	Williams

Those who voted in the negative, are

M. Armbrister	Baxter	Brandon	Brown	Cook
Bailey of Mt.	Benson	Bridges	Coleman	Coopwood

Davis	Heard	McNeill	Sims	Warren
Dupuy	Jones, King	Neill	Shotwell	Watson
Fitzpatrick	Martin of La	Peyton	Vaughan	Weissinger
Greening	McLemore	Saffold	Vining	White

The said bill was then referred to a select committee, consisting of Messrs. Davis, Benson and Baxter to consider and report thereon.

On motion of Mr. Martin of La. *Resolved* that the judiciary committee be instructed to inquire into the expediency of passing a law authorizing the defendants in all criminal cases to take a writ of error or an appeal in the nature of a writ of error from any final judgment rendered by the circuit courts against such defendant or defendants, and that said committee report by bill or otherwise.

The House took up the report of the joint committee appointed by both Houses of the general assembly, to inspect the general accounts or books of the State Bank, with full powers to send for persons and papers. *Ordered* that the same be referred to a committee of the whole house on tomorrow. The House adjourned till half past 2 o'clock.

Evening Session—half past 2 o'clock. Mr. Conner obtained leave to introduce a bill to be entitled an act to incorporate the town of Pickens in Pickens county, which was read a first time, and ordered to be read a 2d time. *The Speaker* laid before the House the record and proceedings of the circuit court of Greene county exercising chancery jurisdiction in the case of Sarah Wall vs. James Wall for divorce, which was read and referred to the committee on divorce and alimony.

Mr. Bridges presented the petition of sundry inhabitants of Wilcox county, praying the passage of a law, to add part of Wilcox county to Butler county; which was read and referred to the committee on county boundaries.

Bills of the following titles, to wit: An act to divorce Asa Gough from his wife Sally Gough; An act to amend an act, entitled an act to establish a certain county therein named, and for other purposes, passed Dec. 22, 1824; An act declaring Paint Rock river of Jackson county, a public highway; An act to amend an act, entitled an act to establish a certain road therein named; An act authorizing Wm. R. Parker to emancipate a certain slave therein named; An act concerning taxes in Mobile county; An act to divorce Wm. Roundtree from Sally Roundtree, were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act, to authorize certain persons therein mentioned, to sell and transfer land certificates. Mr. Baylor moved that the further consideration thereof be indefinitely postponed, which was carried.

Mr. Mead presented the petition of sundry inhabitants of Blount county, praying that Vestal Beeson, a justice of the peace of said county, be removed from office, which with the accompanying documents was referred to a select committee, consisting of Messrs. Barton of Tusk. Oliver, and Creagh.

A bill to be entitled an act, for the relief of James Frazier, late tax collector of Franklin county, was read a second time, and referred to the committee on accounts.

Engrossed bill, to be entitled an act, to authorize administrators of the estate of John Bell, deceased, late of the county of Conecuh, to convey certain real estate therein named, was read a third time, and

the question being put, shall the bill pass? it was determined in the affirmative. Yeas 35, nays 24.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Cook	Greening	Martin of Fr.	Saffold
Bailey of mt.	Coopwood	Hallett	Martin of La.	Vaughan
Barton of mo.	Davis	Heard	M'Lemore	Vining
Brandon	Dupuy	Jones	M'Neill	Walthall
Bridges	Edmondson	King	Morton	Warren
Brown	Fitzpatrick	Lambert	Oliver	Weissinger
Coe	Fluker	Lewis	Peyton	White—35

Those who voted in the negative, are

Mr. Armbrister	Coalter	Dellett	Moore	Thornton
Barton of Tus	Coleman	Inge	Pickens	Tindall
Baylor	Conner	Mardis	Shotwell	Watson
Baxter	Creagh	Martin of Li.	Sims	Williams
Benson	Crenshaw	Mead	Tate	

Mr. Greening moved to amend the title of the bill in the following words: an act for the relief of Henry Fontaine; which was carried. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Martin offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of establishing a penitentiary in this state; which was lost. Yeas 17, nays 24.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Barton of Tus	Brandon	Hallett	Morton
Bailey of mt.	Baylor	Coe Cook	Heard	Peyton
Barton of Mo.	Baxter	Edmondson	Lambert	Thornton

Those who voted in the negative, are

Mr. Speaker	Crenshaw	Jones	M'Lemore	Vaughan
Benson	Davis	King	Moore	Vining
Bridges	Dellett	Lewis	Neill	Walthall
Brown	Dupuy	Mardis	Pickens	Warren
Coleman	Fitzpatrick	Martin of Fr.	Saffold	Watson
Coalter	Fluker	Martin of Li.	Shotwell	Weissinger
Coopwood	Greening	Martin of La.	Sims	White
Creagh	Inge	Mead	Tindall	Williams

A bill to be entitled an act the more effectually to secure the payment of costs of suits instituted in this state, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to locate permanently the University of the state of Alabama, was taken up and referred to a committee of the House on Thursday next.

Resolution proposing certain amendments to the constitution of the state of Alabama, was read a second time. Mr. Martin of Limestone moved that the further consideration thereof be postponed until the first day of June next, which was lost—Yeas 25, nays 33.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker,	Brown	Dupuy	Martin of Li.	Thornton
Armbrister	Coalter	Heard	Moore	Tindall
Barton of Tus	Conner	Inge	Neill	Walthall
Baxter	Creagh	Mardis	Oliver	Williams
Bridges	Dellett	Martin of Fr.	Sims	

Those who voted in the negative, are

Mr. Bailey of mt.	Baylor	Brandon	Coleman	Coopwood
Barton of Mo.	Benson	Coe	Cook	Crenshaw

Davis	Jones	M'Lemore	Shotwell	Watson
Edmondson	King	Morton	Tate	Weissinger
Fitzpatrick	Lambert	Peyton	Vaughan	White—33
Greening	Martin of La.	Pickens	Vining	
Hallett	Mead	Saffold	Warren	

Ordered, that the same be referred to a committee of the whole house on Monday next. The House adjourned till to-morrow morning 10 o'clock.

Tuesday, December 20, 1825.

Mr. Barton of Tusk. presented the petition of Wm. M. Marr, praying to be reimbursed for losses sustained, which was read and referred to the committee on propositions and grievances.

Mr. Crenshaw presented the petition of George Phillips, praying the passage of a law granting him the privilege of a landing on the public lands, which was read and referred to a select committee, consisting of messrs. Crenshaw, Broadnax and Lyon, to consider and report thereon.

Mr. Coe presented the petition of Samuel Gaughy, praying to be relieved from the operations of a judgment against him, which was read and laid on the table.

Mr. Barton, of Tus. from the committee on ways and means, to whom was referred the petition of the President and Directors of the Bank of Mobile, reported a bill to be entitled, an act for the relief of the Mobile and Tombekke Banks against certain penalties heretofore incurred, which was read a first time, and ordered to be read a 2d time.

Mr. Barton, of Tusk. from the committee on ways and means, to whom was referred a resolution instructing them to inquire into the expediency of appropriating so much money as will be sufficient to open the state road from Belleville, in the county of Conecuh, to the Florida line, reported that it is inexpedient to make any appropriation for the purposes contemplated by said resolution; in which report the house concurred.

Mr. Mead. from the committee on divorce and alimony, to whom was referred the record and proceedings of the circuit court of Mobile county, exercising chancery jurisdiction in the case of Louisa M. Trouellett versus Pierre Truellett for divorce, reported a bill to be entitled, an act to divorce Louisa M. Trouellett from her husband Pierre Trouellett; which was read a first time, and ordered to be read a 2d time.

Mr. Baylor, from the committee on roads, bridges, and ferries, to whom was referred a resolution with accompanying documents, with instructions to inquire into the expediency of opening a public road from the bridge on Sturdevant's creek, in Butler county, to Black's Bluff, reported that the opening of said road is inexpedient; which was ordered to lie on the table.

Mr. Baylor, from the committee on roads, bridges, and ferries, to whom was referred the petition of sundry inhabitants of Covington county, requiring the Legislative interference to prevent Samuel Gates from erecting a toll-bridge across Conecuh river, at the falls thereof, reported that the prayer of the petitioner is unreasonable, and ought not to be granted; in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred a resolution of this House, instructing them to inquire into the expediency of prescribing some method by law whereby free negroes under the age of twenty years may be bound out, reported a bill to

be entitled, an act for the settlement and relief of free negro children; which was read a first time, and ordered to be read a 2d time.

Mr. Dellett, from the judiciary committee, to whom was referred the petition of Richmond Richardson, *reported* a bill to be entitled an act, to emancipate Mary, the wife of Richmond Richardson; which was read a first time, and ordered to be read a second time.

Mr. Dellett, from the judiciary committee, to whom was referred resolution of this House, instructing them to inquire into the expediency of giving parties appealing from justices courts, liberty to execute an appeal bond in court when the bond by which the suit is brought up, is decided to be insufficient, *reported* a bill to be entitled an act to provide for and remedy defaults in proceedings before justices of the peace, which was read a first time, and ordered to be read a 2d time.

Mr. Dellett, from the judiciary committee, to whom was referred resolution of this House, instructing them to inquire into the expediency of passing a law authorizing the defendants in all criminal cases to take a writ of error to the supreme court of this state, on an appeal in the nature of a writ of error from any final judgment rendered by the circuit courts against such defendant or defendants, *reported* a bill to be entitled an act, the better to secure the rights of the citizens of this state; which was read a 1st time, & ordered to be read a 2d time.

Mr. Dellet, from the judiciary committee, to whom was referred an engrossed bill from the Senate, to be entitled an act to repeal an act entitled an act respecting bail in civil cases, *reported* the same without amendment; in which report the House concurred.

Mr. Dellet, from the judiciary committee, to whom was referred a bill to be entitled an act, to repeal the act abolishing the June term of the supreme court, *reported* the same without amendment; in which report the House concurred.

Mr. Davis, from the select committee, to whom was referred an engrossed memorial [from the Senate] of the Senate and House of Representatives of the state of Alabama, in General Assembly convened, to the Congress of the United States, *reported* the following amendments, in lieu of an amendment adopted on yesterday by this House, which is in the following words: "The Legislature would further represent, that the present mode of selling the public land to the highest bidder, though free from most of the obstructions, attending the former system, is liable to some abuses in practice that it would be very desirable to correct, or obviate.

Every public sale is attended by a host of speculators who really do not wish to own the soil, but to extort a premium from the occupants, for the privilege of purchasing the cabins they have built and the field they have cleared. The effect that object, they enter into a combination and act in concert.

They threaten the occupant to run his land to a higher price than his means will enable him to give, unless he will pay them not to bid against him, or buy the land from them at a considerable profit. Thus combined, they levy a contribution on the honest and industrious part of the community, and divert considerable sums from the treasury. A single individual has no chance to compete with such a formidable combination. The fear of being driven from home compels him to yield to such terms as may be prescribed. Competition stifled, and the land bid off at the minimum price in many instances, where fair competition would enhance the price considerably. The Legislature can see no remedy for this evil, but in a change in the mode of selling the public land, and would therefore suggest with great respect and deference the propriety of dividing the unsold land into three or more classes, and fixing a price on each

class at which it might be entered"—a much better price would be obtained by the government and the citizen, perhaps give less for his land—a price ~~efficient~~ might be fixed in the first instance to guard against loss to the treasury. That price might be reduced at suitable intervals, if not, entered at the former price until all the land in any manner fit for cultivation would be entered.

The Legislature is aware that dividing the lands in classes according to quality, where the surveys are completed, would be attended with some little expense, but feel very confident that the increased price, would greatly exceed the additional expense. The offering of great bodies of land for sale, at the same time is calculated to drain the country of money, by inducing all who are able to purchase at the same time. By this means great embarrassment is felt in the traffic and commerce of the country.

This exhaustion of the circulating medium, would in a great measure be avoided by the proposed system. Entries would be made from time to time, and the money thereby withdrawn from the common course of business, less sensibly felt. There would be great propriety in ultimately reducing the quantity to be entered to forty acres, and the price to twenty-five cents an acre. Should this system be adopted, there can be no doubt that the United States would receive a great deal more money for their land, and the citizen obtain a home for less than he would inevitably have to give if the speculators can force him to buy from them, the privilege of buying from the government as they certainly will do if the auction system is continued. The gradual reduction of the price from time to time, at such intervals as will allow time for a fair experiment, will sell the good lands for their value more nearly than they bring at auction, and ultimately sell a vast quantity of poor land that can never be sold under the present system. It is highly important to every government that the soil should be taxable, under the system of cash sales it cannot be important to continue the prohibition of the power, to tax the land for five years from the date of the purchase. That restriction, it is believed, was a part of the old credit system, and should have been abolished with it. Many citizens of this state are living on public land. They have improved it by their labor, and if the system of offering land for a fixed price, should be adopted, the actual settler might be allowed a preference in the right to purchase for a reasonable period, through all the gradations of price, without the least prejudice to the treasury.

The land should be subject to entry by the actual settler at the price fixed for a limited time, and if he failed to do so, it should be subject to entry by any other person, for another species; and if not then entered, the price should be reduced, and the preference at the reduced price again allowed to the settler. Should this be done, many poor men will procure land on which they can raise their family. The country at large will be greatly improved, its industry increased, and its morals cherished. Which was adopted; which said memorial was read a second time, and ordered to be read a third time.

Mr. Benson from the select committee to whom was referred the petition of sundry inhabitants of the town and county of Montgomery, reported a bill to be entitled an act to incorporate Milton academy in the town of Montgomery and to empower the trustees thereof to raise a sum of money by lottery, which was read a first time and ordered to be read a 2d time.

Engrossed bill to be entitled an act for the registration of deeds, grants, &c. was read a third time, and passed. Ordered that the title be changed from that a bill to that of an act. Ordered that the same be sent to the Senate for their concurrence.

Mr. Bridges obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to appoint commissioners to lay out two roads leading from the ford of Line creek the one to Coffeeyville the

other to Tuscaloosa, passed Dec. 31, 1822, which was read a first time and ordered to be read a 2d time.

Mr. Coalter obtained leave to introduce a bill to be entitled an act supplementary to the several acts regulating taverns and to restrain tippling houses, which was read a first time and ordered to be read a 2d time.

On motion of Mr. Dellett, *Ordered* that the judiciary committee be discharged from the farther consideration of that part of the Governor's message which relates to the judiciary of this state.

Mr. Bridges obtained leave to introduce a bill to be entitled an act declaring Pine Barren creek in Wilcox county a public highway, which was read a first time and ordered to be read a second time.

A bill to be entitled an act to provide for the payment of petit jurors in the counties of *Laud* and *Montgomery* and for other purposes, was taken up. Mr. Lambert moved to amend the same by adding *Baldwin*, which was carried. Mr. Hallitt moved to amend the same by adding *Mobile*, which was carried. *Ordered* that said bill lie on the table.

A bill to be entitled an act to incorporate the town of *Florence*—Mr. Bailey of *Laud* substituted a bill in lieu thereof, to be entitled an act to incorporate the town of *Florence* in the state of Alabama, which was read a 2d time and ordered to be engrossed for a 3d reading.

The House resolved itself into a committee of the whole on the report of the joint committee on the state bank, Mr. Vining in the chair, and after some time spent therein Mr. Watson moved that the committee now rise and ask leave to sit again, which was carried and leave granted.

A message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed bills which originated in their House, entitled an act to incorporate *Coosawda Academy*, in the town of *Coosawda*, and an act to incorporate the trustees of *Concord Academy*, in *Greene county*; in which they desire your concurrence. They have also read three times and passed a bill, which originated in your honorable body, entitled an act authorizing the county court of *Morgan county* to make a certain allowance therein mentioned. I am also instructed to inform your honorable body, that they have adopted the resolution, reported by the joint committee appointed to examine into the affairs of the Bank of the State of Alabama, which is as follows: *Resolved*, that the general assembly have the right to inspect, by joint committee, all the books of the Bank, and all the evidences of debts due to that institution.—And then he withdrew.

The House adjourned till 6 o'clock this evening.

Evening Session, 3 o'clock—The House again resolved itself into a committee of the whole, on the report of the joint committee on the State Bank, Mr. Vining in the chair; and after some time spent therein, the committee rose, Mr. Speaker resumed the chair, and Mr. Vining reported the resolution, (as reported by said committee,) without amendment. The House adjourned till to-morrow morning 10 o'clock.

Wednesday, December 21

A message was received from his excellency the Governor, by J. Thornton, secretary of state—and is as follows: *Mr. Speaker*, I am hereby the Governor to inform your honorable body, that he did, on the 20th, approve and sign an act for improving the navigation of the Port and of *Mobile*; an act regulating the mode of summoning jurors for *Greene*

an act authorizing the county court of Limestone county to make certain allowances therein named; an act to alter the times of holding the county courts in the county of Morgan; an act to appoint a commissioner for the town of Monticello in Pike county, and for other purposes; an act to change the time of holding the county courts in the county of Shelby; all of which originated in this House. And then he withdrew.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed a bill, which originated in their House, entitled an act for the relief of John H. Campbell; in which they desire your concurrence. They have also read three times and passed bills, which originated in the House of Representatives, entitled an act to provide for an extra term of the circuit court in Mobile and Baldwin counties; an act to provide for the appointment of an overseer in the town of St. Stephens, Rodney and Franklin; and an act for the relief of Wm. McDonald, the latter of which they have amended by adding thereto an additional section; in which amendment they desire your concurrence; and then he withdrew.

Mr. Crenshaw presented the account of Rock Parsons, administrator of Charles Morris, deceased, which was read and referred to the committee on accounts.

Mr. Vining, from the committee on propositions and grievances to whom was referred the petition of Wm. M. Marr, reported that the prayer of the petitioner is unreasonable and ought not to be granted: in which report the House concurred.

Mr. Vining, from the same committee to whom was referred the petition of sundry inhabitants of Greene county, praying the passage of a law to prohibit the Choctaw Indians from coming among them, and to prohibit the whites from hiring them, reported that your committee deem it inexpedient to legislate on this subject; in which report the House concurred.

Mr. Vining, from the same committee, to whom was referred a resolution of this House, instructing them to inquire into the expediency of passing a law prohibiting the introduction of slaves, for sale, to this state, reported that they deem it inexpedient to legislate on that subject at this time; in which report the House concurred.

Mr. Benson, from the select committee, to whom was referred so much of the Governor's message, together with the accompanying documents, as relates to the boundary line between this state and the state of Georgia, reported a joint resolution: in which report the House concurred.

Mr. Crenshaw, from the select committee to whom was referred the petition of Geo. Phillips, reported a bill to be entitled an act granting to Geo. Phillips the privilege of a private landing on the reserved lands of the town of Cahawba; which was read a first time and ordered to be read a second time.

Mr. Mardis obtained leave to introduce a bill to be entitled an act to authorize the transfer of administration and guardianship to any county in this state, which was read a first time and ordered to be read a second time.

Mr. Armbrister obtained leave to introduce a bill to be entitled an act for the relief of Joshua Winford; which was read a first time and ordered to be read a second time.

Mr. Bridges obtained leave to introduce a bill to be entitled an act to amend an act, entitled an act to establish the Bank of the State of Alabama; which was read a first time and ordered to be read 2d time.

Mr. Morton obtained leave to introduce a bill to be entitled an act to alter the mode of voting in elections by the people; which was read a first time. Mr. Weissinger moved that the further consideration thereof be indefinitely postponed; which was carried—yeas 33, nays 23.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Speaker	Coleman	Dupuy	Mardis	Sims
Bailey of L.	Coalter	Fitzpatrick	McLemore	Vining
Barton of Mo.	Cook	Fluker	McNeill	Walshall
Benson	Conner	Greening	Moore	Watson
Brandon	Creagh	Inge	Pickens	Weissinger
Bridges	Crenshaw	Jones	Saffold	
Brown	Dellett	Lambert	Shotwell	

Those who voted in the negative, are

M. Armbrister	Coe	Hickman	Mead	Thornton
Bailey of Mt.	Coopwood	King	Morton	Vaughan
Barton of T.	Davis	Lewis	Neill	Warren
Baylor	Edmondson	Martin of Li.	Peyton	White
Baxter	Hallett	Martin of Fr.	Tate	Williams
Broadnax	Heard	Martin of La.	Tindall	

Mr. Coopwood obtained leave to introduce a bill, to be entitled an act supplementary to an act, entitled an act to authorize administrators to sell land belonging to the estate of their intestate, to which complete title has not been obtained, passed the 27th Dec. 1825, which was read a first time, and ordered to be read a second time.

Mr. Martin of F. obtained leave to introduce a bill, to be entitled an act to incorporate the trustees of the Tusculum female academy, in Franklin county; which was read a first time, and ordered to be read a second time.

Mr. Saffold from the bank committee, to whom was referred a bill, to be entitled an act to establish an office of discount and deposit of the bank of the state of Alabama, reported the same without amendment.

Mr. Neill obtained leave to introduce a bill, to be entitled an act more effectually to prevent Sabbath breaking; which was read a first time. Mr. Moore moved that the further consideration thereof be indefinitely postponed; which was lost. Yeas 12, nays 27.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mt.	Coopwood	Fluker	Mardis	Moore—11
Bailey of L.	Crenshaw	Greening	McLemore	
Cook	Dellett	Lambert		

Those who voted in the negative, are

Mr. Speaker,	Brown	Hallett	McNeill	Vaughan
Armbrister	Coalter	Heard	Neill	Vining
Barton of Tus.	Coe	Hickman	Peyton	Walshall
Barton of Mo.	Coleman	Inge King	Pickens	Warren
Baylor	Conner	Lewis	Saffold	Watson
Baxter	Creagh	Martin of Fr.	Shotwell	Weissinger
Benson	Davis	Martin of La.	Sims Tate	White
Brandon	Dupuy	Martin of Li.	Thornton	Williams
Broadnax	Edmondson	Mead	Tindall	

The question was then put, shall this bill be read a second time and determined in the affirmative.

The Speaker laid before the House a report of the president of the board of trustees, of the university of the state of Alabama; which was read and referred to the committee on schools, colleges, and universities, and school and university lands.

Mr Mead moved to reconsider a vote given on Mr. Moores motion, postpone indefinitely a bill to be entitled an act more effectually to prevent Sabbath breaking; which was carried. The question was then put on the indefinite postponement, which was lost. Yeas 14, nays 48.

The yeas and nays being called, those who voted in the affirmative, are

Mr. Bailey of Mt.	Coalter	Crenshaw	Lambert	Moore
Bailey of L.	Cook	Deilett	Mardis	McLemore, 14
Baylor	Coopwood	Greening	Mead	

Those who voted in the negative, are

Mr. Speaker	Coe	Heard	Morton	Tindall
Armbrister	Coleman	Hickman	Neill	Vining
Barton of Mo.	Conner	Inge	Oliver	Walthall
Barton of Tus	Crough	Jones	Peyton	Warren
Baxter	Davis	King	Pickens	Watson
Benson	Dupuy	Lewis	Saffold	Weissinger
Brandon	Edmondson	Martin of Fr.	Shotwell	White
Bridges	Fitzpatrick	Martin of Li.	Sims	Williams—48.
Broadnax	Fluker	Martin of La.	Tate	
Brown	Hallett	McNeill	Thornton	

The question was again put, shall this bill be read a second time? and determined in the affirmative.

On motion of Mr. Warren, *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of passing a law, exempting persons from paying tax for any slave or slaves, when such slaves are unable from any natural deformity, disease, or accident, to do sufficiency of labor to support themselves; also to inquire into the expediency of exempting all white males who are disabled by the aforesaid causes, so as to prevent them from doing the ordinary labor necessary for a support.

Mr. Coalter obtained leave to introduce a bill to be entitled an act to establish a seventh judicial circuit, which was read a first time and ordered to be read a 2d time.

The House resumed the consideration of the report and resolution of the joint committee on the State Bank; Mr. Vining moved that the House do not concur in the report and resolution of said committee, which motion was objected as being out of order; whereupon the Speaker decided that the motion was in order, and that the House was competent to express its opinion on the report separate from the resolution, and might approve or reject both, or approve one and reject the other; from which decision Mr. Mardis appealed to the House, and the question was stated by the Speaker, and decided in by yeas and nays.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Crenshaw	Inge	McLemore	Vaughan
Baxter	Davis	King	Moore	Vining
Benson	Deilett	Lewis	Neill	Watson
Brandon	Edmondson	Lyon	Peyton	Weissinger
Bridges	Fitzpatrick	Martin of F.	Pickens	White—23
Conner	Fluker	Martin of La.	Saffold	
Coopwood	Heard	Mead	Sims	

Those who voted in the negative, are

Mr. Bailey of L.	Brown	Dupuy	Mardis	Tate
Bailey of Mt.	Coalter	Greening	Martin of Li.	Thornton
Barton of Mo.	Coe	Hallett	McNeill	Tindall
Barton of Tus	Coleman	Hickman	Morton	Walthall
Baylor	Cook	Jones	Oliver	Williams, 29
Broadnax	Crough	Lambert	Shotwell	

The House adjourned till 3 o'clock this evening.

The House again resumed the consideration of the report and resolution joint committee on the State Bank. Mr. Greening moved that the resolution committee lie on the table, which was carried.

Mr. Davis moved that the resolution lie on the table, which was determined the negative—yeas 1—nays 63. The yeas and nays being called for, those

Those who voted in the negative, are

Mr. Speaker	Brown	Fluker	Martin of Li.	Sims
Armbrister	Coalter	Greening	Mead	Tate
Bailey of La.	Coe	Cook	McLemore	Thornton
Bailey of Mt.	Coleman	Heard	McNeill	Tindall
Barton of Mo.	Conner	Hickman	Moore	Vaughan
Barton of Tus.	Coopwood	Inge	Morton	Vining
Baylor	Creagh	King	Neill	Walthall
Baxter	Crenshaw	Lambert	Oliver	Warren
Benson	Dellett	Lyon	Peyton	Watson
Brandon	Dupuy	Mardis	Pickens	Weissing
Bridges	Edmondson	Martin of Fr.	Saffold	White
Broadnax	Fitzpatrick	Martin of La.	Shotwell	Williams

A message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker* Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, with the concurrence of the House of Representatives, the examination of the affairs of the Bank of the state by the joint committee be conducted under the injunction of secrecy, except so far as it may be necessary to examine witnesses, and that they report their proceedings to both Houses closed doors.

The House again resumed the consideration of the resolution of the joint committee on the State Bank. Mr. Barton of Tus. offered the following amendment: *Resolved* that the joint committee of the two houses had no authority to inspect the individual ledger, discount book, the offering book and note book of the Bank of the state of Alabama. Mr. Mead moved that it lie on the table. Yeas 23, nays

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of L.	Coalter	Heard	Mardis	Tate
Bailey of Mont.	Coe	Hickman	Mead	Thornton
Barton of Mo.	Conner	Inge	Morton	Williams
Baylor	Creagh	Jones	Neill	
Broadnax	Hallett	Lambert	Shotwell	

Those who voted in the negative, are

Mr. Speaker	Coleman	Fitzpatrick	McLemore	Tindall
Armbrister	Cook	Fluker	McNeill	Vaughan
Barton of Tus.	Coopwood	Greening	Moore	Vining
Baxter	Crenshaw	King	Oliver	Walthall
Benson	Davis	Lewis	Peyton	Warren
Brandon	Dellett	Lyon	Pickens	Watson
Bridges	Dupuy	Martin of Fr.	Saffold	Weissing
Brown	Edmondson	Martin of La.	Sims	White

The question was then put on the adoption of Mr. Barton's amendment, determined in the affirmative. Yeas 41—nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brown	Edmondson	Moore	Tindall
Armbrister	Coleman	Fitzpatrick	McNeill	Vaughan
Barton of T.	Cook	Fluker	Oliver	Vining
Baxter	Coopwood	Greening	Peyton	Walthall
Benson	Crenshaw	King	Pickens	Warren
Brandon	Davis	Lewis	Saffold	Watson
Bridges	Dellett	Martin of Fr.	Shotwell	Weissing
Broadnax	Dupuy	Martin of La.	Sims	White

Those who voted in the negative, are

Mr. Bailey of L.	Coalter	Coe	Heard	Mardis	Neill
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Bailey of Mt.	Conner	Hickman	Mead	Pate
Barton of Mo.	Creagh	Inge Jones	McLemore	Thornton
Baylor	Hallett	Lambert	Morton	Williams—22

After which the Speaker stated that the question would lie on the adoption of resolution as amended, and Mr. Creagh called for a division of the question which was objected, and the Speaker decided that the question was susceptible of a division, and that the question would first be taken on the resolution recommended by the committee, from which decision Mr. McLemore appealed to the House; whereupon the question was stated to the House by Mr. Speaker, and decided by yeas and nays. Those who voted in favor of the decision of the Speaker, are

Speaker	Brown	Fluker	Lewis	Saffold
Bailey of La.	Coalter	Greening	Lyon	Shotwell
Bailey of Mt.	Coe	Hallett	Mardis	Sims Tate
Barton of Mo.	Conner	Heard	Martin of Fr.	Thornton
Barton of Tus	Creagh	Hickman	Martin of La.	Vaughan
Baylor	Davis	Inge	Morton	Warren
Baxter	Dellett	Jones	Neill	Watson
Broadnax	Dupuy	Lambert	Peyton	Williams—40.

Those who voted against the decision of the Speaker, are

Armbrister	Coleman	Fitzpatrick	Moore	Vining
Benson	Coopwood	King Mead	Oliver	Walthall
Brandon	Crenshaw	McLemore	Pickens	Weissinger
Bridges	Edmondson	McNeill	Tindall	White—21.

The question was then put on the adoption of the resolution as reported by the committee; which was determined in the affirmative. Yeas 52, nays 10.

The yeas and nays being called for, those who voted in the affirmative, are

Speaker	Broadnax	Dellett	Lewis	Pickens
Armbrister	Brown	Dupuy	Lyon	Shotwell
Bailey of L.	Bridges	Edmondson	Mardis	Sims
Bailey of Mt.	Coalter	Coe	Fitzpatrick	Martin of Fr. Tate
Barton of Tus	Coleman	Fluker	Mead	Thornton
Barton of Mo	Conner	Hallett	McLemore	Tindall
Baylor	Coopwood	Heard	Moore	Vaughan
Baxter	Creagh	Hickman	Morton	Warren
Benson	Crenshaw	Inge Jones	Neill	Weissinger
Brandon	Davis	Lambert	Peyton	Williams—52.

Those who voted in the negative, are

Cook	King	Oliver	Vining	White
Greening	Martin of La.	Saffold	Walthall	Watson—10.

The question was then put on the adoption of Mr. Barton's of Tusk. amendment: which was determined in the affirmative. Yeas 41, nays 20.

The yeas and nays being called for, those who voted in the affirmative, are

Speaker	Brown	Edmondson	McLemore	Tindall
Armbrister	Coleman	Fitzpatrick	McNeill	Vaughan
Barton of Tus	Cook	Fluker	Moore	Vining
Baxter	Coopwood	Greening	Oliver	Walthall
Benson	Crenshaw	King	Peyton	Warren
Brandon	Davis	Lewis Lyon	Pickens	Watson
Bridges	Dellett	Martin of Fr.	Saffold	Weissinger
Broadnax	Dupuy	Martin of La.	Shotwell	White—41

Those who voted in the negative, are

Bailey of Mt.	Coalter	Heard	Lambert	Neill
Bailey of La.	Coe	Hickman	Mardis	Tate
Barton of Mo.	Creagh	Inge	Mead	Thornton
Baylor	Hallett	Jones	Morton	Williams 20

The House adjourned till to-morrow morning 10 o'clock.

Thursday, Dec. 22, 1825. Mr. Mardis presented the petition of sundry inhabitants of Shelby county, praying the passage of an act to alter and lay out a road therein mentioned; which was read and referred to the committee on roads, bridges, and ferries.

Mr. Barton of Mobile, presented the petition of sundry inhabitants of Mobile county, praying the passage of a law appointing commissioners to lay out a road therein mentioned; which was read and referred to the committee on roads, bridges, and ferries.

Mr. Crenshaw presented the account of Stephen Miller; which was read and referred to the committee on accounts.

On motion of Mr. Barton of Tusks., *Resolved*, that the special committee to whom was referred the petition of sundry citizens of Baldwin county with the accompanying documents, praying the impeachment and removal of Vestal Beeson, a justice of the peace for said county, for malpractices in office, be, and they are hereby empowered to appear before them and examine under oath, to be administered by the court, any witness or witnesses, relative to the charge contained in said petition and documents.

A message from the Senate, by Mr. Lyon, their secretary. The Senate have read three times, and passed bills which originated in their House, entitled an act to locate the seat of justice for Baldwin county; An act concerning the Tombeckbe bank; An act to amend an act entitled an act concerning dower; An act to amend an act entitled an act, regulating judicial proceedings, and for other purposes; an act to amend the act entitled an act, to prevent immoral and disorderly conduct at places of religious worship; in all of which they desire your concurrence. They have also read three times, and passed a bill which originated in your honorable body, entitled an act to compensate county clerks for paying printer's fees for publishing the praisement of certain strays and for other purposes; and have amended the same by striking out all after the enacting clause, and substituting the accompanying section in lieu thereof; in which amendment they desire your concurrence. And then he withdrew.

Mr. Morton, from the select committee, to whom was referred a resolution, proposing certain amendments to the constitution of the state of Alabama, *reported* the same with sundry amendments, which report the House concurred.

Mr. Saffold, from the select committee, to whom was referred a petition of sundry inhabitants of the town of Cahawba, *reported* to be entitled an act, for the relief of the purchasers of lots in the town of Cahawba, which was read a first time, & ordered to be read a 2d time.

Mr. Martin of Br. to whom was referred the petition of sundry citizens, *reported* a bill to be entitled an act to incorporate the New Orleans and Tusculumbia Steam-boat company, which was read a 1st time and ordered to be read a 2d time.

Mr. Davis obtained leave to introduce a bill to be entitled an act to authorize certain persons therein named to raise by lottery a sum of money for the purposes therein mentioned, which was read a first time and ordered to be read a 2d time.

A message from the governor, by J. L. Thornton, esq. secretary of the Hon. the Speaker and Members of the House of Representatives. GENTLEMEN—I have the honor here with to transmit the resignation of Thomas White, Attorney-General of this State.

I am, very respectfully, &c.

JOHN MURPHY

Mr. Crenshaw obtained leave to introduce a bill to be entitled an act for the relief of Walter Drew, John Gayle, sen. and Wade H. Greening, which was read a first time, and the rule which requires bills to be read on three several days being dispensed with, and that this bill be read a 2d time forthwith, and the question being put shall this bill be read a 2d time, 4-5ths voting in the affirmative, it was carried: said bill was then read a 2d time and referred to the judiciary committee.

Mr. Barton of T. offered the following resolution: *Resolved*, the Senate concurring, that a select committee of three members be elected by a vote of this House, to unite with such committee as may be appointed in like manner on the part of the Senate, who shall and are hereby empowered under the injunction of secrecy, to inspect all the books, accounts, evidences of debt, &c. of the Bank of the state of Alabama, so far as the same may be necessary to a full developement of its condition, without being prejudicial to the public interests. *And be it further resolved*, that the said committee shall be and they are hereby required to report to the general assembly any case or cases, if such there be, of imposition on the directors or of mismanagement in the concerns of the Bank: whether such mismanagement has arisen from a departure from the spirit or letter of the charter, or otherwise; *provided nevertheless*, that nothing herein contained shall imply the right of said committee to report to the general assembly the situation of any private debtor or creditor of the Bank, or the names of such private debtors or creditors, unless their situation or names are palpably connected with some fraud or imposition on the part of borrowers, or some imputed mismanagement or violation of the charter or the part of the directory or officers of the institution. *And be it further resolved* that in case the said committee shall be of opinion that there has been any mismanagement of the concerns of the Bank, or a violation of its charter, or imposition practiced on the directory, that it shall be their duty, or of some one of them, previous to making their report of the instance or instances in which such imputed mismanagement or violation has occurred, to give notice to the two houses of the general assembly respectively, that it is the intention of the committee to make a report implicating the directory or officers of the institution, or both, or of developing an imposition practised on the directory, whereupon said report shall be received with closed doors, nor shall there be a public or private disclosure of the same, unless both houses of the general assembly shall concur in the reports of their respective committees, or the disclosure shall only extend to such part of such report as to which both houses may have concurred with their respective committees. *And be it further resolved*, that the injunction of secrecy imposed on the committee as aforesaid shall not be removed unless by a joint resolution of both houses of the general assembly. *And be it further resolved* that the committee on the part of this house shall previous to entering upon the duties assigned them, take and subscribe the following oath, to be administered by the Speaker of the House of Representatives, and a like oath to be administered by the President to the committee on the part of the Senate: "We, A B, C D, and E F, in the presence of Almighty God, do solemnly swear that we will fairly, carefully and faithfully inspect the books, accounts and evidences of debt, &c. of the Bank of state of Alabama; that we will freely communicate and receive

From the directors or any one of them, or the officers of the Bank, or any one of them, such explanations as he or they may offer to make, as to any imputed misconduct or violation of the charter, in the management of the concerns of the said Bank; that in the discharge of said duty, and in such report as we may make or recommend to be made, we will neither be governed nor influenced by favor or partiality, hostility or prejudice, but with a single regard to the public interest, and that we will not or either of us disclose, in any way to any person or persons whomsoever, except it be to the general assembly or this house and in such manner and form, time and place as it may prescribe, any information of the condition of said Bank, or of the private debtors or creditors, which may be imparted to us in consequence of our peculiar authority and instruction as members of this committee." Mr. Martin of L. offered to amend the proviso of said resolution, by inserting between the word *to* and the word *report* the words *inspect or*, which was lost: Mr. Martin moved that said resolution lie on the table, which was determined in the negative—Yeas 21—nays 41.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mt.	Coe	Inge	Jones	Mead	Thornton
Bailey of La.	Conner	Lambert		Morton	Walthall
Barton of Mo.	Creagh	Mardis		Oliver	White
Coalter	Hickman	Martin of Fr.		Tate	Williams—21.

Those who voted in the negative, are

Mr. Speaker	Brown	Edmondson	Martin of Li.	Shotwell
Armbrister	Coleman	Fitzpatrick	McLemore	Sims
Barton of Tus	Cook	Fluker	McNeill	Tindall
Baxter	Coopwood	Greening	Moore	Vaughan
Benson	Crenshaw	Heard	Neill	Vining
Brandon	Davis	King	Peyton	Warren
Bridges	Dellett	Lewis	Pickens	Watson
Broadnax	Dupuy	Martin of La.	Saffold	Weissinger 41

Mr. Morton moved to amend the same by striking out therefrom the words of the oath required to be taken by said committee, which was determined in the negative—Yeas 22—nays 39.

The yeas and nays being called for, those who voted in the affirmative, are

Bailey of L.	Coalter	Inge	Moore	White
Bailey of Mt.	Coe	Jones	Morton	Williams—22
Barton of Mo.	Cook	Lambert	Oliver	
Baxter	Creagh	Mardis	Tate	
Broadnax	Hickman	Mead	Thornton	

Those who voted in the negative, are

Mr. Speaker	Conner	Fluker	McLemore	Tindall
Armbrister	Coopwood	Greening	McNeill	Vaughan
Barton of Tus	Crenshaw	Heard	Neill	Vining
Benson	Davis	King	Peyton	Walthall
Brandon	Dellett	Lewis	Pickens	Warren
Bridges	Dupuy	Martin of Li.	Saffold	Watson
Brown	Edmondson	Martin of Fr.	Shotwell	Weissinger 39
Coleman	Fitzpatrick	Martin of La.	Sims	

Mr. Barton of T. moved to amend the same, viz. the first resolution, by adding after the words "evidences of debt," the words "specie and bank notes on hand;" which was carried. Mr. Hickman moved to amend the same, viz. the second resolution, by inserting after the words Gen. Assembly, the words "the amount of specie and bank notes on hand, distinguishing the amount of cash" which was carried.

Mr. Barton of T. moved the following amendment, that part of the resolution

relating to the oath to be taken by the committee, by striking out the words "and subscribed;" which was carried.

Mr. Williams moved to amend the same, viz: the 1st resolution, by striking out the word "select" and inserting in lieu thereof the word "joint," which was determined in the negative. Yeas 21, nays 41.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mt.	Coalter	Coe	Hickman	Mardis	Tate
Bailey of La.	Creagh		Inge	Mead	Thornton
Barton of Mo.	Conner		Jones	Morton	Walthall
Baylor	Hallett		Lambert	Neill	Williams 21

Those who voted in the negative, are

Mr. Speaker	Brown	Edmondson	Martin of Li.	Shotwell
Armbrister	Coleman	Fitzpatrick	McLemore	Sims
Barton of T.	Cook	Fluker	McNeill	Tindall
Baxter	Coopwood	Greening	Moore	Vaughan
Benson	Crenshaw	Heard	Oliver	Vining
Brandon	Davis	King Lewis	Peyton	Watson
Bridges	Dellett	Martin of Fr.	Pickens	Weissinger
Broadnax	Dupuy	Martin of La.	Saffold	White 41

The question was then put on the adoption of the resolution as amended, and determined in the affirmative. Yeas 43, nays 21.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coleman	Fitzpatrick	McLemore	Thornton
Armbrister	Cook	Fluker	McNeill	Tindall
Barton of Tus	Conner	Greening	Moore	Vaughan
Baxter	Coopwood	Heard	Oliver	Vining
Benson	Crenshaw	King	Peyton	Warren
Brandon	Davis	Lewis	Pickens	Watson
Bridges	Dellett	Lyon	Shotwell	Weissinger 43
Broadnax	Dupuy	Martin of Fr.	Saffold	
Brown	Edmondson	Martin of La.	Sims	

Those who voted in the negative, are

Mr. Bailey of L.	Coalter	Coe	Inge	Martin of La.	Tate
Bailey of Mt.	Creagh		Jones	Mead	Walthall
Barton of Mo.	Hallett		Lambert	Morton	White
Baylor	Hickman		Mardis	Neill	Williams—21

Ordered, That Mr. Dellett and Coalter be added to the select committee appointed to examine into and investigate the conduct of Vestal Beeson, a justice of the peace of Blount county.

The House adjourned till three o'clock this evening.

Evening Session, 3 o'clock.—The House agreeable to a resolution adopted, proceeded to the election of a select committee, to act with such committee as may be appointed on the part of the Senate, to examine into the affairs of the State Bank. Mr. Creagh, Dellett, Greening, Vining, Hickman and Hallet being in nomination, for Mr. Creagh, 36; Mr. Dellett, 44; Mr. Greening, 23; Mr. Vining, 33; Mr. Hickman, 11; Mr. Hallett, 39. Mr. Creagh having received 36 votes, Mr. Dellett having received 44 votes, and Mr. Hallett 39 votes, Mr. Speaker therefore declared them elected said committee.

On motion of Mr. Williams, *Resolved*, that this House with the concurrence of the Senate, will on Friday, the 23d instant, at the hour of three o'clock, P. M. proceed to elect an attorney general, and a solicitor for the second judicial circuit, at which time the Senate are requested to attend in the Representative hall. Mr. Dellett moved to amend the same, by adding "circuit judges for the several circuits in this state;" which was carried. Yeas 33, nays 28.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Barton of Mo.	Baxter	Brandon	Creagh
Armbrister	Baylor	Benson	Cook	Crenshaw

Davis	Hickman	Martin of Fr.	Peyton	Walthall
Dellelt	Inge	Martin of Li.	Pickens	Warren
Fitzpatrick	King	McLemore	Saffold	Watson—38
Fluker	Lambert	McNeill	Sims	
Hallett	Lyon	Neill	Tindall	

Those who voted in the negative, are

Mr. Bailey of L.	Coalter	Edmondson	Morton	Vining
Bailey of Mt.	Coe	Greening	Oliver	Weissinger
Barton of Tus	Coleman	Heard	Shotwell	White
Bridges	Conner	Jones	Tate	Williams—21
Broadnax	Coopwood	Lewis	Thornton	
Brown	Dupuy	Mead	Vaughan	

Mr. Coopwood moved to strike out Friday, and insert Wednesday; which was lost. Yeas 24, nays 39.

The yeas and nays being called for, those who voted in the affirmative, are

Bailey of L.	Coe	Dupuy	Mead	Vaughan
Bridges	Coleman	Edmondson	Morton	Vining
Broadnax	Cook	Greening	Peyton	Weissinger
Brown	Coopwood	Heard	Shotwell	White—24
Coalter	Davis	Lewis	Tate	

Those who voted in the negative, are

Mr. Speaker,	Brandon	Inge	McLemore	Thornton
Armbrister	Creagh	Jones	McNeill	Tindall
Bailey of Mt.	Crenshaw	King	Moore	Walthall
Barton of Mo.	Dellelt	Lambert	Neill	Warren
Barton of Tus	Fitzpatrick	Lyon	Oliver	Watson
Baylor	Fluker	Mardis	Pickens	Williams, 39
Baxter	Hallett	Martin of Fr.	Saffold	
Benson	Hickman	Martin of L.	Sims	

Mr. Davis moved to insert "Tuesday, at the hour of two o'clock;" which was carried.

Mr. Barton of T. moved to amend the same, by adding "a Comptroller and Treasurer;" which was carried.

Mr. Williams moved to amend the same, by striking out the words "an attorney general and solicitor for the second judicial circuit;" which was carried.

On motion of Mr. Williams, *Resolved*, that this House, with the concurrence of the Senate, will, on Friday the 23d instant, at the hour of 7 o'clock, p. m. proceed to elect an attorney general and solicitor for the second judicial circuit, at which time the Senate are requested to attend in the Representative Hall. The House adjourned till 10 o'clock to-morrow morning.

Friday, December 23, 1825.

Mr. Greening presented the account of John Dean; which was read and referred to the committee on accounts.

Mr. Benson presented the petition of sundry citizens of Montgomery county, praying the passage of a law granting leave to form a company, and an act of incorporation; which was read and referred to the military committee.

Mr. Barton of Mo. presented the petition of sundry inhabitants of the city and county of Mobile, praying the passage of a law for the erection and protection of buoys in the bay of Mobile; which was read and referred to the committee on inland navigation.

Mr. Barton of Mo. presented the petition of George Shaeffin, praying the passage of a law authorizing him to administer on the estate of

Curnear Frazer; which was read & referred to the judiciary committee.

Mr. Bailey of Lau. presented the account of Mark Shelton; which was read and referred to the committee on accounts.

Mr. Mead, from the committee on divorce and alimony, to whom was referred the record and proceedings of the circuit court of Greene county, exercising chancery jurisdiction in the case of Sarah Wall vs. James Wall for divorce, reported a bill to be entitled an act to divorce Sarah Wall from James Wall; which was read a first time and ordered to be read a second time.

Mr. Mead, from the committee on divorce and alimony, to whom was referred the record and proceedings of the circuit court of Franklin county, exercising chancery jurisdiction in the case of William Gates vs. Susannah Gates, for divorce, reported a bill to be entitled an act to divorce William Gates from Susannah Gates; which was read a first time and ordered to be read a second time.

Mr. Mead, from the committee on divorce and alimony, to whom was referred the record and proceedings of the circuit court of Butler county, exercising chancery jurisdiction in the case of Samuel Paine vs. Elizabeth Paine, for divorce, reported a bill to be entitled an act to divorce Samuel Paine from his wife, Elizabeth Paine; which was read a first time and ordered to be read a second time.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed a bill, which originated in their House, entitled an act to extend the time of appointing overseers of roads and apportioners of hands in this state, and for other purposes; in which they desire your concurrence. They have also read three times and passed a bill, which originated in the House of Representatives, entitled an act to prohibit the farther granting licenses for gaming, and have amended the same by striking from the first section of the bill, the words "one half of the fine to be paid to the informer," who is duly declared to be a competent witness, and the other half into "the treasury of the county where such offence is committed," and also by adding hereto two additional sections; in which amendments they desire your concurrence. They have also read three times and passed a bill, which originated in the House of Representatives, entitled an act the more effectually to prevent the trading with slaves and for other purposes; and have amended the same by striking from the first section of the bill "one thousand dollars," the extent of the fine to be imposed for a violation of the act, and inserting "one hundred dollars," and also by striking out the "2d, 3d, 4th and 5th sections" of the bill, and also the "proviso to the 6th section;" in which amendments they desire your concurrence. They have also read three times and passed a bill, which originated in the House of Representatives, entitled an act to establish a permanent seat of justice in the county of Jackson and for other purposes, and have amended the same in the manner herewith shewn; in which amendments they ask the concurrence of your honorable body. And then he withdrew.

Mr. Dellett, from the judiciary committee, to whom was referred a resolution of this House, instructing them to inquire into the expediency of providing, by law, some mode for the emancipation of slaves, reported a bill to be entitled an act regulating the mode of emancipating slaves; which was read a 1st time & ordered to be read a 2d time.

Mr. Dellett, from the judiciary committee, to whom was referred a bill, to be entitled an act for the relief of Waller Drew, John Gayle, Sen. and Wade H. Greening, reported, in lieu thereof, a bill to be entitled an act granting relief to parties in the Supreme court, in certain cases; which was read a first time, and the rule which requires bills to

be read on three several days being dispensed with, four ~~for~~ members present voting in the affirmative, it was read a second time forthwith, and ordered to be engrossed for a third reading to-morrow.

Mr. Dellett, from the judiciary committee, to whom was referred a resolution, directing them to inquire into the expediency of a law, that all county treasurers to be required to pay out of the treasury according to their respective dates, and to require clerks of the court to lay before the treasury all accounts, which may have been rendered within their respective dates, within — days thereafter, *reported* that it is inexpedient to legislate on the subject, as contemplated in the resolution; in which report the House concurred.

Mr. Dellett, from the judiciary committee, to whom was referred an engrossed bill, from the Senate, to be entitled an act the better to secure money in the hands of clerks, sheriffs and coroners, *reported* the same without amendment.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled an act the more effectually to secure payment of suits, instituted in this state, *reported* the same without amendment.

Mr. Barton of Tus. from the committee on ways and means, to whom was referred the petition of sundry citizens of the county of Mobile, *reported* a bill to be entitled an act for the relief of the tax collector of Mobile county; which was read a first time, and ordered to be read a second time.

Mr. Hallett, from the committee on accounts, to whom was referred the account of Jesse Grimes, who attended as a witness between J. G. Lyon and P. T. Harris, in a contention for a seat in the general assembly as representative from Washington, and for which the said Grimes claims the sum of seventy dollars, *reported*, that there is no law authorizing the payment of said claim out of the treasury of this state, and ask to be discharged from the further consideration thereof; which was agreed to.

Mr. Hallett, from the committee on accounts, to whom was referred the petition and account of Hugh Henry, late sheriff of Bibb county, for provisions furnished certain prisoners in the jail of said county during the years 1823 and 1824, *reported*, that said account is not authenticated according to the mode prescribed by law, and ask leave to be discharged from the further consideration thereof; which was agreed to.

Mr. Hallett, from the committee on accounts, to whom was referred the account of William B. Wells, sheriff of Clarke county, for board of Thomas Redding, a prisoner, committed to the jail of said county on a charge of murder, *reported*, that said account is not authenticated according to law, and ask leave to be discharged from the further consideration thereof; which was agreed to.

Mr. Lewis obtained leave to introduce a bill, to be entitled an act to amend the law now in force, relative to the duties of county treasurers of this state, which was read a first time, & ordered to be read a second time.

Mr. Peyton obtained leave to introduce a bill, to be entitled an act further to provide for the punishment of malicious mischief, which was read a first time, and ordered to be read a second time.

Mr. Vaughan obtained leave to introduce a bill, to be entitled an act authorizing the citizens of Sommerville to elect a justice of the peace, which was read a first time, and ordered to be read a second time.

Mr. Tate, from the committee on inland navigation, to whom was referred an engrossed bill from the Senate, to be entitled an act to authorize Joseph Price to erect a mill dam across the Mulberry fork of Tuscaloosa river, *reported* the same without amendment.

Mr. Watson obtained leave to introduce a bill, to be entitled an act repeal in part and amend an act, entitled an act for the punishment of malicious mischief; which was read a first time, and ordered to be read a second time.

Mr. Tate, from the committee on inland navigation, to whom was referred the memorial of Nelson Robinson and his associates, *reported* the same is unreasonable, and ought not to be granted; in which report the House concurred.

Mr. Creagh obtained leave to introduce a bill, to be entitled an act incorporate the Basset Creek navigation company; which was read a first time, and ordered to be read a second time.

An engrossed bill, to be entitled an act, granting relief to parties in the supreme court, in certain cases, was read a third time and passed. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for their concurrence.

On motion of Mr. Broadnax, *Resolved*, that the military committee be instructed to inquire into the expediency of promoting the majors commanding battalions in the state of Alabama, by seniority, to that of lieutenant colonel.

The House proceeded to the orders of the day. A bill to be entitled an act to establish a seventh judicial circuit was laid on the table. A bill to be entitled an act to establish a supreme court and a court of chancery, was taken up. Mr. Hickman moved that the further consideration thereof be postponed till the first day of June next; which was lost. Yeas 28, nays 34.

The yeas and nays being called for, those who voted in the affirmative, are

Ambrister	Coe	Deputy	Martin of Fra.	Warren
Bailey of L.	Coleman	Edmondson	Mead	Watson
Baxter	Cook	Fluker	McLemore	Weissinger
Broadnax	Conner	Hickman	Neill	White—28
Brown	Creagh	Jones	Saffold	
Bulter	Davis	Mardis	Shotwell	

Those who voted in the negative, are

Speaker	Bridges	Heard	Moore	Thornton
Bay of Mount	Cobwood	Inge	Morton	Tindall
Bay of Tus	Crenshaw	King	Oliver	Vaughan
Bay of Mo.	Deilett	Lewis	Peyton	Vining
Bay of	Fitzpatrick	Martin of Lim.	Pickens	Walthall
Bay of	Greening	Martin of Lau.	Stiles	Williams—34
Bay of	Hallett	McNeill	Thompson	

A message from the Senate by Mr. Lyon their secretary: *Mr. Speaker* the Senate concur in the resolution of your honorable body, proposing to go into the election of circuit judges for the several circuits in the state, a comptroller and state treasurer, on Tuesday next, at the hour of two o'clock, P. M. They also concur in the resolution of your honorable body, proposing to elect an attorney general and solicitor for the second judicial circuit, this evening, at the hour of seven o'clock. Then the House adjourned till three o'clock this evening.
Evening Session, 3 o'clock.—The House resumed the consideration of the bill to be entitled an act to establish a supreme court and a court of chancery.

Mr. Greening moved to amend the same by adding the following proviso at the end of the 4th section: *Provided*, that if there be more than one defendant, the suit may be commenced in any circuit in which either of said defendants may reside; and *provided* that bills of injunction shall be filed in the chancery district in which judgment, at law, was rendered;" which was adopted.

Mr. Greening further moved to amend the same by striking the 3d section and 7th line, the words "and of," and inserting thereof the words "and attachment;" which was carried.

Mr. Williams moved an amendment by way of proviso, at the end of the 3d section: "*Provided*, that the chancellor, who may give any order, from which an appeal writ of error may be taken, shall deliver any opinion in such case, in the supreme court;" which was adopted.

Mr. Martin of Li. moved to amend the 3d section and 6th line, by inserting, after the word "of," the words "making decrees and petitions for divorce and," which was carried.

Mr. Martin moved further to amend the same by striking out "and," and inserting in lieu thereof "district," whenever it relates to chancery jurisdiction; which was adopted.

Mr. Barton of Tus. moved to amend the 7th section and 2d line, striking out the words "master also," and inserting "a chancellor, as shall be required by the chancellor making the appointment, bond and security shall be approved of by the judge of the court of the county for which said commissioner shall be appointed," which was carried.

Mr. Barton moved further to amend the same by adding thereto additional sections, which was carried. Mr. Baylor moved to amend the same in the 1st section, 6th line, by inserting after the word "and" the words *a majority of its members being present*, which was carried.

Mr. Bridges moved to amend the same by striking out *Tusculum* and inserting *seat of government*, in the 2d section and 13th line, which was carried. Mr. Coopwood moved to amend the same by striking out the 12th section, which was carried. Mr. Mead moved to amend the 2d section and 6th line, by striking out *Blount* and inserting *St. Clair*, which was carried.

Mr. Mead moved further to amend the same by striking out of the 7th line and 2d section, the words *St. Clair*, and inserting in lieu thereof, the word *Blount*, which was carried. The bill was then read a 2d time as amended, and the question being put, "Shall the bill be engrossed and read a third time?" it was determined in the negative—yeas 27—nays 34.

The yeas and nays being called for, those who voted in the affirmative,

Mr. Speaker	Bridges	Hallett	McNeill	Sims
Barton of Mo.	Crenshaw	Heard	Moore	Tate
Barton of T.	Dellett	Inge King	Morton	Thompson
Benson	Fitzpatrick	Lewis Lyon	Oliver	Vaughan
Brandon	Greening	Martin of Li.	Pickens	Vincent

Those who voted in the negative, are

Mr. Armbrister	Coalter	Davis	Martin of F.	Shaw
Bailey of L.	Coe	Dupuy	Martin of La.	Walsh
Bailey of Mt.	Coleman	Edmondson	Mead	Warrick
Baylor	Cook	Fluker	McLemore	Watson
Baxter	Conner	Hickman	Neill	Wells
Broadnax	Coopwood	Jones	Peyton	White
Brown	Greagh	Mardis	Saffold	

A message from his excellency the governor, by James I. Thornton, secretary of state, which is as follows: *Executive Department, December 23, 1825.*

To the Hon. the Speaker and Members of the House of Representatives.

GENTLEMEN—I have the honour herewith to transmit you the resignation of Constantine H. Perkins, solicitor of the third judicial circuit.

I have the honor to be, very respectfully, yours, &c. **JOHN MURPHY.**

Mr. Coopwood moved that the House do now take up a bill to be entitled an act to fix the compensation of the judges of the circuit court; which was determined in the negative. Yeas 25, nays 37.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Brown	Dupuy	Mead	Tate
Bailey of La.	Coe	Edmondson	McNeill	Vaughan
Baxter	Coleman	Jones	Morton	Weissinger
Brandon	Coopwood	King	Peyton	White
Bridges	Davis	Martin of Lim.	Shotwell	Williams

Those who voted in the negative, are

Mr. Speaker	Coalter	Fluker	Martin of Fra.	Sims
Bailey of Mt.	Cook	Greening	McLemore	Thornton
Barton of Mo.	Conner	Hallett	Moore	Tindall
Barton of T.	Creagh	Heard	Neill	Vining
Baylor	Crenshaw	Hickman	Oliver	Walshall
Benson	Dellett	Inge Lewis	Pickens	Warren
Broadnax	Fitzpatrick	Lyon Mardis	Saffold	Watson—37.

Mr. Mardis offered the following resolution; *Resolved* that this House will receive no new business after Thursday next, except petitions. *Ordered* that said resolution lie on the table.

Mr. Moore obtained leave to introduce a bill to be entitled an act concerning executors and administrators, which was read a first time and ordered to be read a 2d time. A bill to be entitled an act to establish a 7th judicial circuit, was read a 2d time. Mr. Walshall moved that the further consideration thereof be indefinitely postponed, which was lost. Said bill was referred to select committee, consisting of messrs. Coalter, Oliver, Creagh, mardis, martin of La. and Benson, to consider and report thereon.

Mr. Bridges obtained leave to introduce a bill to be entitled an act to authorize copies of official bonds to be given in evidence, in the several courts of law and equity in this state, which was read a first time and ordered to be read a 2d time. And the House adjourned till half past 6 o'clock this evening.

Evening Session, half past 6 o'clock. On motion of Mr. Morton, resolved that the Senate be now invited to assemble in the Representative Hall, for the purpose of electing a solicitor for the 2d judicial circuit, and attorney general, agreeable to a former resolution, and that the west end of the hall be appropriated for their reception. The Senate having repaired to the Hall of the House of Representatives, both Houses proceeded to the election of an attorney general for the state of Alabama; Constantine H. Perkins being in nomination—for Mr. Perkins 82 votes. Those who voted for Mr. Perkins, are

Mr. President	Powell	Coalter	Hickman	Oliver
Abercrombie	Skinner	Coe Cook	Inge	Peyton
Ash	Sullivan	Coleman	Jones King	Pickens
Bagby	Vanhouse	Conner	Lambert	Saffold
Casey	Mr. Speaker	Coopwood	Lewis	Shotwell
Clay	Armbrister	Creagh	Lyon	Sims
Croft	Bailey of L.	Crenshaw	Mardis	Tate
Crawford	Bailey of Mont	Davis	Martin of Fra.	Tindall
Gaines	Barton of Mo.	Dellett	Martin of Lau.	Vaughan
Irwin	Baylor	Dupuy	Martin of Li.	Vining
Jackson of Au.	Baxter	Edmondson	Moore	Walshall
Jackson of La.	Benson	Fitzpatrick	McLemore	Warren
Jones	Brandon	Fluker	McNeill	Watson
McCainy	Bridges	Greening	Moore	Weissinger
Merriweather	Broadnax	Hallett	Morton	White
Miller	Brown	Heard	Neill	Williams—82

Constantine H. Perkins, having received all the votes present, was declared by Mr. Speaker to be duly elected attorney general for the state of Alabama ex-officio solicitor of the 3d judicial circuit. The two Houses then proceeded the election of a solicitor, for the second judicial circuit. Henry Goldthwaite, John H. Thorington, and Ezekiel Pickens, being in nomination. For Goldthwaite, 32; Mr. Thorington, 28; Mr. Pickens, 22 votes.

Those who voted for Mr. Goldthwaite, are

Mr. Abercrombie	Bailey of Mt.	Cook	Hickman	McNeill
Ash Bagby	Barton of M.	Creagh	Lyon	Morton
Clay, Crabb	Baylor	Davis	Martin of F.	Oliver
Irwin,	Benson	Dellett	Martin of L.	Vaughan
Jackson of L.	Brandon	Fitzpatrick	Martin of Li.	Watson
Miller	Broadnax	Greening	McLemore	White—

Those who voted for Mr. Thorington, are

Mr. President,	Bailey of La.	Conner	Inge Jones	Tindall
Crawford,	Baxter	Crenshaw	Lambert	Walthall
Jackson of A.	Bridges	Dupuy	Lewis	Williams
Jones	Coalter	Edmondson	Mead	
McCamey	Coe	Hallett	Peyton	
Powell	Coleman	Heard	Tate	

Those who voted for Mr. Pickens, are

Mr. Casey	Sullivan	Brown	Moore Neill	Sims
Gaines	Vanhoose	Coopwood	Pickens	Vining
Merriwether	Mr. Speaker	Fluker	Saffold	Warren
Skinner	Armbrister	King Mardis	Shotwell	Weissinger

Neither of the candidates having received a majority of the whole number votes, the two Houses proceeded to vote a second time for solicitor of the second judicial circuit; the same persons in nomination—for Goldthwaite 32, Thorington 29, Pickens 23. Those who voted for Mr. Goldthwaite, are the same those who voted for him on the first time. Those who voted for Mr. Thorington, are the same as those who voted for him the first time, with the addition of Mr. Thornton. Those who voted for Mr. Pickens, are the same as those who voted for him the first time, and Mr. Barton of Tus. in addition.

Neither having received a majority of the whole number on the second vote the two Houses proceeded to vote a third time for solicitor; the same in nomination—for Mr. Goldthwaite 34, Mr. Thorington 31, Mr. Pickens 19.

Those who voted for Mr. Goldthwaite, are

Messrs. Ash	Miller	Cook	King	McNeill
Abercrombie	Bailey of Mt.	Creagh	Lyon	Morton
Bagby	Barton of Mo	Davis	Mardis	Oliver
Clay	Baylor	Dellett	Martin of Fr.	Vaughan
Crabb	Benson	Fitzpatrick	Martin of La.	Watson
Irwin	Brandon	Greening	Martin of Li.	White—3
Jackson of L.	Broadnax	Hickman	McLemore	

Those who voted for Mr. Thorington, are

Mr. President	Mr. Armbrister	Coe	Hallett	Mead
Crawford	Bailey of L.	Coleman	Heard	Peyton
Jackson of A.	Baxter	Conner	Inge	Thornton
Jones	Bridges	Crenshaw	Jones	Tindall
McCamey	Brown	Dupuy	Lambert	Walthall
Powell	Coalter	Edmondson	Lewis	Williams—

Those who voted for Mr. Pickens, are

Mr. Casey	Sullivan	Coopwood	Pickens	Vining
Gaines	Vanhoose	Fluker	Saffold	Warren
Merriwether	Mr. Speaker	Moore	Shotwell	Weissinger
Skinner	Barton of Tus	Neill	Sims	

Neither having received a majority of the whole number, the two Houses p

needed to vote a fourth time for solicitor; the same persons in nomination—**Mr. Goldthwaite 35, Mr. Thorington 35, Mr. Pickens 14.**

Those who voted for Mr. Goldthwaite, are

Messrs. Ash	Mr. Bailey of Mo.	Creagh	King	McNeill
Abercrombie	Barton of Mo.	Davis	Lyon	Morton
Bagby	Baylor	Dellett	Mardis	Oliver
Clay	Benson	Fitzpatrick	Martin of Fr.	Vaughan
Crabb	Brandon	Fluker	Martin of La.	Vining
Irwin	Broadnax	Greening	Martin of Li.	Watson
Miller	Cook	Hickman	McLemore	White—35

Those who voted for Mr. Thorington, are

Mr. President	Mr. Armbrister	Coleman	Heard	Peyton
Crawford	Bailey of La.	Conner	Inge	Shotwell
Jackson of A.	Baxter	Coopwood	Jones	Tate
Jackson of L.	Bridges	Crenshaw	Lambert	Thornton
Jones	Brown	Dupuy	Lewis	Tindall
McCamy	Coalter	Edmondson	Mead	Walshall
Powell	Coe	Hallett	Neill	Williams 35

Those who voted for Mr. Pickens, are

Mr. Casey	Skinner	Mr. Speaker	Pickens	Warren
Gaines	Sullivan	Barton of Tus	Saffold	Weissinger 14
Merriwether	Vauhouse	Moore	Sims	

Neither having been elected, the two Houses proceeded to vote a fifth time for solicitor of the second judicial circuit; Henry Goldthwaite and John H. Thorington being in nomination—for Mr. Goldthwaite 43, for Mr. Thorington 41.

Those who voted for Mr. Goldthwaite, are

Messrs. Ash	Skinner	Broadnax	Hickman	Moore
Abercrombie	Vauhouse	Cook	King	Lyon
Bagby	Mr. Speaker	Creagh	Mardis	Oliver
Casey	Bailey of Mt.	Davis	Martin of Fr.	Saffold
Clay, Crabb	Barton of Mo.	Dellett	Martin of La.	Vaughan
Gaines	Irwin	Fitzpatrick	Martin of Li.	Vining
Jackson of L.	Benson	Fluker	McLemore	Watson
Miller	Brandon	Greening	McNeill	White—43

Those who voted for Mr. Thorington, are

Mr. President	Mr. Armbrister	Coleman	Inge	Jones	Sims
Crawford	Bailey of La.	Conner	Lambert		Tate
Jackson of A.	Barton of T.	Coopwood	Lewis		Thornton
Jones	Baxter	Crenshaw	Mead		Tindall
McCamy	Bridges	Dupuy	Neill		Walshall
Merriwether	Brown	Edmondson	Peyton		Warren
Powell	Coalter	Hallett	Pickens		Weissinger
Sullivan	Coe	Heard	Shotwell		Williams—41

Henry Goldthwaite having received a majority of the whole number of votes, was declared, by Mr. Speaker, to be duly elected solicitor of the second judicial circuit. The elections having been completed, the Senate withdrew, and the House adjourned till to-morrow morning 10 o'clock.

Saturday, December 24, 1825.

Mr. Broadnax presented the petition of sundry inhabitants of Autauga county, praying the passage of a law making the battalion line in said county the regiment line; which was read and referred to the military committee.

Mr. Tate from the committee on inland navigation to whom was referred the petition of Joseph Wyatt, James Johnson, John Erashers and W. H. Griffith, reported the prayer of the petitioners unreasonable and ought not to be granted: in which report the House concurred.

Mr. Davis from the select committee to whom was referred an act to be entitled an act to alter the mode of appointing assessors and collectors, reported the same with sundry amendments: in which report the House concurred.

Mr. Hallett from the committee on accounts to whom was referred the account of John Stewart for serving subpoenas on witnesses for attendance on a general court martial convened at Montgomery the 14th November last, to decide a contested election for brigadier general of the 13th brigade of Alabama militia, reported that there was no law authorizing the payment of said account out of the state treasury, and ask leave to be discharged from the further consideration of same. *Ordered*, that the same be recommitted to the same committee with instructions to report a bill.

Ordered, that Mr. Walthall have leave of absence till Monday.

On motion of Mr. Davis, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law authorizing defendants in all cases to plead a partial failure of consideration, and leave to report by bill or otherwise.

Mr. Bailey of mont. obtained leave to introduce a bill to be entitled an act to amend the several acts now in force respecting the town of Montgomery; which was read a first time and ordered to be read a second time.

Engrossed bills of the following titles, to wit: An act to incorporate the trustees of Concord academy; An act to incorporate the Coosaw academy in the town of Coosawda; An act for the relief of John Campbell; An act to amend the act entitled an act to prevent immorality and disorderly conduct at places of religious worship; An act to extend the time for appointing overseers of roads and apportioners of hands in this state, and for other purposes; An act to locate the seat of justice for Fayette county; An act concerning the Tombbeckbeba; An act to amend an act entitled an act concerning dower; An act to amend the act entitled an act regulating judicial proceedings, and for other purposes—were severally read a first time and ordered to be read a second time.

Mr. Tate, from the committee on inland navigation, to whom was referred the petition of sundry inhabitants of Marion county, asking an appropriation for the purposes therein named: *Reported*, that it was not proper to grant it at this time.

Engrossed memorial from the Senate, of the Senate and House of Representatives of the state of Alabama, in General Assembly convened, to the Congress of the U. States, was read the third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Lyon their secretary: *Mr. Speaker*, the Senate have read three times and passed bills which originated in their House. One entitled an act for the relief of Lewis Houser, and an act for the establishment of certain election precincts & for other purposes; in which they desire your concurrence. They have also passed a bill which originated in the House of Representatives, entitled an act to establish the permanent seat of justice in the county of Walker, and for other purposes; and have amended the same by striking out all after the enacting clause and substituting the accompanying sections in lieu thereof, and also by striking from the caption of the bill the word "permanent" and inserting "temporary," and by striking out the words "and for other purposes;" in which amendment they desire your concurrence. And then he withdrew.

Ordered, that the House concur in the amendment made by the Senate to a bill to be entitled an act the more effectually to prevent the trading with slaves, by striking from the first section of the bill "one thousand dollars," the extent of the fine to be imposed for a violation of the act, and inserting "one hundred dollars," and also by striking out the 2d, 3d and 4th sections of the bill. Mr. Morton moved that the House disagree to the amendment of the Senate, by striking out the "5th section," which is as follows: Sec. 5. And be it further enacted, that it shall be the duty of all civil officers *ex-officio* to prosecute any offence against this act; which was lost—Yeas 10, nays 46.

The yeas and nays being called for, those who voted in the affirmative, are Mr. Bailey of Mt. Brandon, Davis, Edmondson, Jones, Mead, Morton, Vining, Weissinger—10. Those who voted in the negative, are

Mr. Speaker, Armbrister, Bailey of L. Barton of M. Baxter, Benson, Broadnax, Brown, Coalter, Coe, Coleman, Cook, Conner, Coopwood, Creagh, Crenshaw, Dellett Dupuy, Fluker, Hallett, Heard, Hickman, Inge, King, Lambert, Lewis, Lyon, Mardis, Martin of La. Martin of Fr. M-Lemore, M'Neill, Moore, Neill, Oliver, Peyton, Pickens, Saffold, Shotwell, Sims, Thornton, Tindall, Vaughan, Warren, Watson, Williams—46.

Ordered, that the House concur by striking out the proviso to the sixth section of the bill.

A bill to be entitled an act to fix the compensation of the judges of the circuit courts, was read a second time. Mr. Dellett moved that the further consideration thereof be indefinitely postponed, which was lost—Yeas 26, nays 28.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker, Bailey of M. Barton of M. Benson, Coalter, Creagh, Cook, Dellett, Fluker, Greening, Hickman, Inge, Lambert, Lyon, Mardis, Martin of Fr. Martin of La. Moore, Neill, Oliver, Pickens, Saffold, Sims, Thornton, Tindall, Warren, Watson—27. Those who voted in the negative, are

Mr. Armbrister, Bailey of La. Baylor, Baxter, Broadnax, Brown, Coe, Coleman, Conner, Coopwood, Davis, Dupuy, Edmondson, Heard, Jones, King, Lewis, Martin of La. Mead, M-Lemore, M'Neill, Peyton, Shotwell, Vaughan, Vining, Weissinger, White, Williams—28.

Ordered, that the same lie on the table.

Ordered that the House concur in the amendments made by the Senate to a bill to be entitled an act to establish a permanent seat of justice in the county of Jackson and for other purposes, by striking out of the 1st section the name of Thomas Rich, and inserting the name of capt. Brantley Wright. 3d section, after the word *death* insert *resignation*. In the 3d sec. insert after the word *vacancy*, *with some person who lives as near the place where he resides or resided whose vacancy is to be filled*. And 5th sec. strike out the word *first*, before *wednesday*, and insert *fourth*. 5th sec. after the word *advertise* strike out the word *ten* and insert therefor the word *fifteen*. In the 20th sec. after the words *section of* insert *land*.

Ordered that the House concur in the amendments made by the Senate, to a bill to be entitled an act to prohibit the further granting licenses for gaming, by striking from the first section of the bill the words, *one half of the fine to be paid to the informer, who is hereby declared to be a competent witness, and the other half into the treasury of the county wherein such offence is committed*; and also by adding thereto two additional sections.

Mr. Moore obtained leave to introduce a bill to be entitled an act to exempt school-masters, teachers and students from military duty, which was read a first time and ordered to be read a second time.

Ordered that the House concur in the amendments made by the Senate to a bill to be entitled an act to compensate county court clerks, for paying printer's fees for publishing the appraisement of certain strays and for other purposes, by striking out all after the enacting clause, and substituting the accompanying sections in lieu thereof.

Ordered that the House concur in the amendments made by the Senate to a bill to be entitled an act for the relief of Wm. McDonald, by adding thereto an additional section.

A bill to provide for the payment of petit jurors in the counties of Blount, Montgomery and Baldwin, was read a 2d time and ordered to be engrossed for a reading. Engrossed bills from the Senate, of the following titles, to wit: An act for the relief of Leasa Lewis; An act for the establishment of certain election precincts and for other purposes; *Ordered* that the House concur in the amendments made by the Senate to a bill to be entitled an act to establish the permanent seat of justice in the county of Walker and for other purposes, by striking out all after the enacting clause, and substituting the accompanying sections in lieu thereof; also by striking from the caption of the bill, the word *permanent* and inserting *temporary*, and by striking out the words *and for other purposes*.

Engrossed bills of the following titles, to wit: An act to incorporate the town of Florence in the state of Alabama; An act for the relief of Leasa Lewis; An act to incorporate the Moulton library company; An act altering the manner of executing writs of scire facias; An act to establish the boundary lines between certain counties therein named; An act to amend an act entitled an act to establish a certain county therein named and for other purposes, passed 22d Dec. 1824. An act to amend an act entitled an act to establish a certain road therein mentioned; were severally read a third time and passed. *Ordered* that the titles be changed from that of bills to that of acts. *Ordered* that the same be sent to the Senate for their concurrence.

Mr. Coalter moved to reconsider a vote given on yesterday on a bill to be entitled an act to establish a supreme court & a court of chancery.

On motion of Mr. Weissinger, *resolved*, that after to-day, this House continue in session from ten o'clock in the morning till four o'clock in the afternoon, every day, while the orders of the day remain undisposed of.

On motion of Mr. Barton of Mo. *resolved*, that the judiciary committee be directed to inquire into the expediency of authorizing the appointment of a jurist, learned in the law, to prepare a penal code for this state, founded on principles of reformation and not of vindictive justice, and to lay the same, when prepared, before the general assembly for their examination.

Resolved, that the same committee be instructed to inquire, also, into the expediency of authorizing the appointment of one or more jurist counsels, learned in the law, to revise and amend the statutes of this state; whose duty it shall be to consolidate and amend all the statutes of a public nature, which may be in force, and to arrange them in titles, according to their respective subjects, and to report the same by bills to the next general assembly, and to report, also, at the same time, such additional bills as may be necessary to form a complete code of laws for this state. The House adjourned till Monday morning 10 o'clock.

Monday, December 26, 1825.

Mr. Heard, from the committee on enrolled bills, *reported*, that he had examined and found correctly enrolled bills of the following titles to wit: an act to provide for the appointment of an overseer in the town of St. Stephens, Rodney and Franklin; an act to repeal in part an act entitled an act to establish certain counties therein named, and for other purposes, passed, December 17, 1821, and for other purposes; an act to repeal in part an act, approved, December 15, 1824, declaring Flint river, in Morgan county, a public highway; an act to provide for an extra term of the circuit court in Mobile and Baldwin counties.

an act authorizing the county court of Morgan county to make a certain allowance therein mentioned; joint resolution in relation to a grant of land, by Congress, to the corporation of the city of Mobile.

Mr. Crenshaw presented the petition of Samuel G. Norris and William W. Gary, praying to be released from the payment of a part of their bond, in relation to the public ferry across the Alabama, at Cahawba; which was read and referred to the committee on accounts.

Mr. Mardis, from the select committee, to whom was referred the petition of sundry inhabitants of Shelby county, reported a bill to be entitled an act to locate, permanently, the seat of justice in the county of Shelby; which was read a 1st time and ordered to be read a 2d time.

Mr. Cook obtained leave to introduce a bill to be entitled an act to establish and improve a certain road therein named; which was read a first time and ordered to be read a second time.

Mr. Broadnax obtained leave to introduce a bill to be entitled an act to alter and amend an act entitled an act to establish the seat of justice in the county of Autauga, passed Nov. 22, 1819; which was read a first time and ordered to be read a second time.

Mr. Coalter from the select committee to whom was referred a bill to be entitled an act to establish a 7th judicial circuit, reported the same with sundry amendments; which was ordered to lie on the table.

Engrossed bills of the following titles, to wit: An act declaring Paint Rock river a public highway; An act to provide for the payment of petit jurors in the counties of Blount, Montgomery, Mobile and Baldwin. Mr. Mead moved to amend the title by adding the words *and for other purposes*, which was carried—were severally read the third time and passed. *Ordered*, that the titles be changed from that of bills to that of acts. *Ordered*, that the same be sent to the Senate for concurrence.

A message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed bills which originated in their House, entitled an act for the relief of the tax collector of mobile county; and, an act to repeal an act entitled an act to amend an act to establish a turnpike road leading from Lawrence county to intersect the military road at Pikesville in marion county, passed Dec. 24, 1823, and to revise so much of the act as the above recited act repeals, and for other purposes: in which they desire your concurrence. They have also read three times and passed a bill which originated in your honorable body, entitled an act granting relief to parties in the supreme court in certain cases, and have amended the same by adding a proviso to the end of the first section thereof: in which amendment they desire your concurrence. And then he withdrew.

Ordered, that the House concur in the amendments made by the Senate to a bill to be entitled an act granting relief to parties in the supreme court in certain cases, by adding a proviso to the end of the first section thereof.

Engrossed bills from the Senate of the following titles, to wit: An act to repeal an act, entitled an act to amend an act to establish a turnpike road leading from Lawrence county, to intersect the military road at Pikesville, in marion county, passed Dec. 24, 1823, and to revive so much of the act repealed, and for other purposes; An act for the relief of the tax collector of mobile county, were severally read a first time, and ordered to be read a second time.

Engrossed bills of the following titles, to wit: An act to authorize Wm. R. Parker to emancipate a certain slave therein named; An act concerning taxes in mobile county, were severally read a third time and passed. *Ordered*, that the title be changed from that of bills to that of acts. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill from the Senate, to be entitled an act to authorize Joseph P. to erect a mill dam across the mulberry fork of the Tuscaloosa river, was laid on the table.

A bill to be entitled an act to amend an act, entitled an act to alter and amend the charter of incorporation of the city of Mobile, was read a second time, and referred to a select committee, consisting of messrs Hallett, Lambert, and Ly.

Engrossed bill to be entitled an act, to divorce Asa Gaugh from his wife S. Gaugh, was read a third time, and the question being put, shall this bill pass, and there not being a constitutional majority in favor of its passage, it was determined in the negative. Yeas 34, nays 22.

The yeas and nays being called for, those who voted in the affirmative, are Mr. Speaker, Ambrister, Bailey, Barton of T. Benson, Brandon, Broad, Brown, Cook, Davis, Dupuy, Edmondson, Fitzpatrick, Greening, Hallett, He King, Lambert, Lewis, Martin of F. Martin of La. Mead, McNeill, Neill, Oli Peyton, Sims, Tate, Thornton, Tindall, Vining, Warren, White, Williams—

Those who voted in the negative, are

Mr. Bailey of La. Barton of Mob. Baxter, Coleman, Conner, Coopw Creagh, Crenshaw, Dellett, Fluker, Inge, Jones, Mardis, Martin of Li. M more, Moore, Pickens, Saffold, Shotwell, Vaughan, Watson, Weissinger—22.

Engrossed bill to be entitled an act to divorce William Roundtree from S Roundtree, his wife, was read a third time, and the question being put, shall bill pass? and there being a constitutional majority in favor of its passage, it determined in the affirmative—yeas 37, nays 14. Those who voted in the affirmative, are Mr. Speaker, Ambrister, Bailey of Mt. Barton of Mo. Barton of Baxter, Benson, Brandon, Bridges, Broadnax, Brown, Coe, Coleman, Cook, Davis, Dupuy, Fitzpatrick, Greening, Hallett, Heard, Hickman, King, Lambert Lewis, Martin of Fr. Martin of La. McNeill, Neill, Oliver, Peyton, Sims, Thornton, Tindall, Vining, Warren, White, Williams—37. Those who voted in the negative, are Mr. Bailey of La. Coopwood, Creagh, Crenshaw, Edmondson Jones, McLeMore, Moore, Pickens, Saffold, Shotwell, Tate, Vaughan, Weissinger.

Bills of the following titles, to wit: An act for the relief of Edmund King and others; Joint resolution memorializing Congress in relation to certain public works therein named; An act to divorce Wm. Bryant from Rodah Bryant; An act to provide for the appointment of public weigher in the town of Blakeley; An act to repeal the act abolishing the June term of the supreme court; An act to compel the owners of hired slaves to pay Physicians' fees; An act to establish at incorporate the town of Sommerville, in the county of Morgan; An act for the relief of the inhabitants of the first township, range 7, east the basis meridian of Huntsville; An act to alter the manner of electing majors and brigadier-generals; An act to extend the corporate limits of the town of Moulton and for other purposes; An act to authorize certain persons therein named to raise by lottery a certain sum of money for purposes therein mentioned, were severally read a third time and ordered to be engrossed for a 3d reading.

Engrossed bill from the Senate, to be entitled an act to alter the lines of Jackson and Madison counties, was read a second time and ordered to be read a third time. A bill to be entitled an act for the better securing the payment of rents and to regulate the practice of suing out writs of replevin, within the corporate limits of the city of Mobile, was read a second time and referred to the judiciary committee. A bill to be entitled an act regulating the mode of emancipating slaves. Mr. Dellett moved to amend the same by striking out the word "will," where it occurs in said bill; which was carried.

Mr. Benson moved to amend the same by way of proviso at the end of the first

tion, and provided also that no right, title or interest of a feme covert in any such slaves, as may be hereafter emancipated, shall pass from her without a previous acknowledgment made by her on private examination, apart from her husband, before the officer authorized to take and receive relinquishment of dower, which was carried. Mr. Martin of F. moved to strike out all of the bill after the word provided in the 1st section, which was lost. Mr. Thornton moved to strike out the word *slave* in the 2d section and insert in lieu thereof the words *free persons*, which was carried. Mr. Barton of T. moved to amend the 4th section by inserting the words *creditor or*, which was carried. Mr. Coopwood moved to amend the same by way of proviso, at the end of the 1st section, and provided also that any person wishing to manumit, under the provisions of this act, shall enter into bond with good security for the good behavior of the slave manumitted, during the time they are allowed to remain in this state, which was carried. Mr. McLemore moved to amend the amendment by inserting the words, *in the sum of one hundred dollars*, which was carried. Mr. Warren moved to amend the same by adding thereto an additional section, which was lost. The said bill was then read a 2d time as amended, and ordered to be engrossed for a third reading.

A bill to be entitled an act to restrain the taking excessive usury, was read a second time and referred to the judiciary committee.

Bills of the following titles, to wit: An act to authorize John Snodgrass to emancipate a certain slave therein named; an act authorizing Benjamin Lock to emancipate a certain slave therein named, were laid on the table. A bill to be entitled an act to authorize the county courts

Henry and Dale counties to levy a tax on said counties for certain purposes herein named, was read a second time and referred to a select committee consisting of messrs. Watson, Cook and Fitzpatrick. A bill to be entitled an act to abolish the county courts and to establish courts of ordinary in each county in this state, was read a 2d time. Mr. Weissinger moved that the further consideration thereof be indefinitely postponed, which was carried. A bill to be entitled an act to authorize copies of official bonds to be given in evidence in the several courts of law and equity in this state, was read a second time and referred to the judiciary committee. A bill to be entitled an act to amend an act concerning executions and sales by sheriffs, and for other purposes, passed Dec. 20, 1820, was read a second time—Mr. Mardis moved that the further consideration thereof be indefinitely postponed, which was carried. A bill to be entitled an act to regulate elections, was read a second time and referred to a select committee, consisting

of messrs. Mead, Baylor and Lewis. A bill to be entitled an act to allow merchants, physicians, shopkeeper, mechanics and others to prove their accounts, was read a second time—Mr. Mead moved that the further consideration thereof be indefinitely postponed, which was lost—Yeas 17, nays 43.

The yeas and nays being called for, those who voted in the affirmative, are Mr. Barton of Mo. Baylor, Dexter, Brandon, Coalter, Edmondson, Fitzpatrick, Hard, Jones, King, Mead, Oliver, Tate, Thornton, Tindall, Vining, White—17.

Those who voted in the negative, are Mr. Speaker, Bailey of Mont. Bailey of Va. Barton of Tus. Benson, Broadnax, Bridges, Brown, Coe, Coleman, Cook, Conner, Coopwood, Creagh, Crenshaw, Davis, Dellett, Dupuy, Fluker, Greening, Hallett, Hickman, Inge, Lambert, Lewis, Mardis, Martin of Fr. Martin of La. Martin of La. McNeill, McLemore, Morton, Neill, Peyton, Pickens, Saffold, Shotwell, Sims, Vaughan, Warren, Watson, Weissinger, and Williams—43.

The bill was then referred to the judiciary committee.

The House resumed the consideration of Mr. Coalter's motion to reconsider a vote given on a bill to be entitled an act to establish a supreme court and a court of chancery, which was lost.

A bill to be entitled an act to amend an act entitled an act prescribing the duties of certain public officers, passed Dec. 17, 1819, was read a second time. Mr. Coalter moved that the further consideration thereof be indefinitely postponed, which was carried.

A bill to be entitled an act to extend the criminal jurisdiction of Clair county into the Cherokee Nation, was read a second time and referred to a select committee, consisting of Messrs. Mead, Coleman, Mardis and Davis.

Engrossed bill from the Senate, entitled an act for the establishment of certain election precincts and for other purposes, and a bill entitled an act to establish certain election precincts therein now pending, were severally referred to a select committee, consisting of Messrs. Mead, Martin of La. Lyon, McLemore and King. Engrossed bill from the Senate, to be entitled an act the better to organize the magistrates of the counties of Covington and Dale, was read a second time and referred to the military committee. A bill to be entitled an act to incorporate the Trustees of La Fayette Academy in the village of Grange, was read a second time. Mr. Benson moved to strike out the words "ten thousand," where they occur in the second section. Mr. Martin of Fr. moved to fill the blank with the words "six thousand five hundred dollars;" which was carried. *Ordered*, that the same be engrossed for a third reading. Resolution proposing amendment to the constitution of the state of Alabama, was laid on the table. A bill to be entitled an act to locate, permanently, the University of the state of Alabama, was laid on the table.

Mr. Tate, from the committee on inland navigation, to whom was referred a memorial of sundry merchants, ship masters and other concerned in the trade of Mobile, praying the establishment of buoys and other land marks at the entrance of Mobile bay and on Dog river bar in said bay, and praying the enactment of a law for the preservation of such buoys and land marks, *reported*, that the exclusive power of regulating commerce and laying and collecting duties on commerce for the benefit of the national treasury, having been delegated to the United States, by the constitution, your committee are of opinion, that the corresponding obligation of enacting and supporting an establishment connected with, and dependent upon, exterior commerce, belongs to the general government, and so much of the said memorial, as relates to the establishment of buoys and other land marks, should have been addressed to the Congress of the United States. In relation to that part of the memorial, which prays the passage of an act for the preservation of such buoys, &c. as may be established, *reported* a bill to be entitled an act respecting buoys and other land marks in Mobile bay; which was read a second time and ordered to be read a second time.

The House adjourned till to-morrow morning 10 o'clock.

Tuesday, Dec. 27, 1825. Mr. Neill presented the petition of sundry inhabitants of Green county, residing in township 20, and praying the passage of a law, authorizing the leasing of the public lands in said county; which was read and referred to the committee on schools colleges, and universities, and school and university lands.

Mr. Martin of La. presented the petition of sundry inhabitants of Lauderdale county, residing in the second township, and praying

it, in the county of Lauderdale, authorizing the leasing of the 16th section of land in said county; which was read and referred to the committee on schools, colleges, and universities, and school and university lands.

Mr. Greening, from the military committee, to whom was referred sundry petitions, praying that the arms now in the arsenal may be distributed among the different volunteer companies, *reported* that it is inexpedient to distribute the public arms; in which report the House concurred.

Mr. Greening, from the military committee, to whom was referred an engrossed bill from the Senate, to be entitled an act the better to organize the militia of the counties of Covington and Dale, *reported* the same with sundry amendments; in which report the House concurred.

Message from the Senate, by Mr. Lyon, their secretary: Mr. Speaker, the Senate have read three times and passed a bill which originated in their House, entitled an act for the relief of Thomas Heard; which they desire your concurrence. They have also read three times and passed a bill which originated in your honorable body, entitled an act to emancipate certain slaves therein mentioned. They have also passed a bill which originated in their House, entitled an act to amend the charter of the bank of the state of Alabama; in which they desire your concurrence. And then he withdrew.

Mr. Morton, from the committee on county boundaries, to whom was referred the petition of sundry inhabitants of Wilcox county, *reported* that it is inexpedient to grant the prayer of the petition; in which report the House concurred.

Mr. Greening, from the military committee, to whom was referred a resolution instructing them to inspect the arms now in the arsenal, and report their condition to this House, ask leave to be discharged from the further consideration of the subject; which was agreed to.

Mr. Dellet, from the judiciary committee, to whom was referred a petition of Geo. Shaeffer, praying the passage of a law to authorize the county court of Mobile county, to grant to him letters of administration on the estate of Carman Frazier, *reported* that the prayer of the petitioner ought not to be granted; in which report the House concurred.

Mr. Hallet, from the committee on accounts, to whom was referred a bill to be entitled an act for the relief of James Frazier, tax collector Franklin county, *reported* the same with an amendment; in which report the House concurred.

Mr. Heard, from the committee on enrolled bills, *reported* that he has examined and found correctly enrolled, a bill to be entitled an act granting relief to parties in the supreme court in certain cases.

Mr. Watson, from the select committee, to whom was referred a bill to be entitled an act, to authorize the county courts of Henry and Baldwin to levy a tax on said counties for certain purposes herein named, *reported* the same with sundry amendments: in which report the House concurred.

Mr. Fluker from the select committee to whom was referred the petition of John Jordon and John Purvis, *reported* a bill to be entitled an act to encourage the building of a certain mill in Marengo county, which was read a first time and ordered to be read a 2d time.

Mr. Hultert from the select committee to whom was referred a bill to be entitled an act to amend an act entitled an act to alter the charter of incorporation of the city of Mobile, reported the same with sundry amendments, in which report the House concurred.

Engrossed bill from the Senate to be entitled an act to amend the charter of the Bank of the state of Alabama, was read a first time and the rule requiring bills to be read on three several days being dispensed with, there being a majority of 4-5ths of the members present voting in the affirmative, it was read a 2d time forthwith, and the rule being further dispensed with, it was read a 3d time forthwith; *Mr. Dellett* moved to reconsider the vote taken on the 3d reading, which was lost: *Mr. Barton* of T. moved that the same be referred to a select committee; said bill was then referred to a select committee, consisting of messrs. *Barton* of T. *Dellett*, *Greening* and *Benson*.

Mr. Tate presented the following resolution: *Resolved*, by the Senate and House of Representatives of the state of Alabama in General Assembly convened, that his excellency the governor, be, and he is hereby authorized and required to order the quarter master general of this state to deliver sixty stand of arms of those belonging to the state, to the independent blues of Moorsville, Lime county, upon the officer commanding said company, entering into bond with good and sufficient security to the governor of the state of Alabama, and his successors in office, for the safe keeping or return in good order of the said arms, whenever he shall think it expedient; which was read a first time, and ordered to be read a second time.

Mr. Mead, from the select committee, to whom was referred a bill to be entitled an act, to establish certain election precincts therein named, reported the same with sundry amendments, in which report the House concurred; the said bill was then read a second time as amended, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, to be entitled an act to establish certain election precincts, and for other purposes, was laid on the table.

Mr. Cook obtained leave to introduce a bill, to be entitled an act to regulate the rate of toll to be allowed the owner of the bridge over the Escambia creek, in the county of Conecuh; which was read a first time, and ordered to be read a second time.

Mr. Mead from the select committee to whom was referred a bill to be entitled an act to regulate elections, reported the same with an amendment, in which report the House concurred. The said bill was then read, as amended, the 2d time and ordered to be engrossed for a third reading. Then the House adjourned till 2 o'clock.

Evening session—2 o'clock.

On motion of *Mr. Morton*, *Resolved* that the Senate be invited to assemble in the Representative Hall for the purpose of going into the election of Judges of the several circuits of this state, and a Comptroller of public accounts, and Treasurer, and that the west end of the Hall be appropriated for their reception. The Senate having repaired to the Hall of the House of Representatives:

When the two Houses proceeded to the election of a Judge of the first judicial circuit. *Abner S. Lipscomb* being in nomination—for *A. S. Lipscomb* 81 votes, Those who voted for *A. S. Lipscomb*, are

<i>Mr. President</i>	<i>Ash</i>	<i>Brown</i>	<i>Clay</i>	<i>Crawford</i>
<i>Abercrombie</i>	<i>Bagby</i>	<i>Casey</i>	<i>Crabb</i>	<i>Irwin</i>

Jackson of A.	Barton of Mo.	Crenshaw	Lambert	Saffold
Jackson of L.	Barton of Tus	Davis	Lewis	Shotwell
Jones	Baxter	Dellett	Lyon	Sims
McCamy	Benson	Dupuy	Mardis	Tate
Merriwether	Brandon	Edmondson	Martin of Li.	Thornton
Miller	Bridges	Fitzpatrick	Mead	Tindall
Powell	Broadnax	Fluker	M'Lemore	Vaughan
Skinner	Brown	Greening	M'Neill	Vining
Sullivan	Coalter Coe	Hallett	Moore	Walthall
Vanhooose	Coleman	Heard	Morton	Warren
Mr. Speaker	Cook	Hickman	Neill	Watson
Armbrister	Conner	Inge	Oliver	Weissinger
Bailey of L.	Coopwood	Jones	Peyton	White
Bailey of Mt.	Creagh	King	Pickens	Williams, 81.

A. S. Lipscomb having received all the votes present was declared by Mr. Speaker to be duly elected, Judge of the first judicial circuit for the state of Alabama.

The two Houses then proceeded to the election of a Judge for the second judicial circuit, Reuben Saffold alone being in nomination—for Mr. Saffold 84 votes.

Those who voted for Mr. Saffold, are

Mr. President	Powell	Brown	Heard	Neill
Abercrombie	Skinner	Coalter Coe	Hickman	Oliver
Ash	Sullivan	Coleman	Inge Jones	Peyton
Bagby	Vanhooose	Cook	King	Pickens
Brown	Mr. Speaker	Conner	Lambert	Shotwell
Casey	Armbrister	Coopwood	Lewis	Sims Tate
Clay Crabb	Bailey of L.	Creagh	Lyon	Thornton
Crawford	Bailey of Mt.	Crenshaw	Mardis	Tindall
Gaines	Barton of Mo.	Davis	Martin of Li.	Vaughan
Irwin	Barton of Tus	Dellett	Martin of Fr.	Vining
Jackson of L.	Baylor	Dupuy	Martin of La	Walthall
Jackson of A.	Baxter	Edmondson	Mead	Warren
Jones	Benson	Fitzpatrick	M'Lemore	Watson
McCamy	Brandon	Fluker	M'Neill	Weissinger
Merriwether	Bridges	Greening	Moore	White
Miller	Broadnax	Hallett	Morton	Williams—84

Reuben Saffold having received all the votes present, was declared by Mr. Speaker to be duly elected Judge of the second judicial circuit in and for the state of Alabama.

The two Houses then proceeded to the election of a Judge of the third judicial circuit, John Gayle, jun. alone being in nomination—for Mr. Gayle 85 votes.

Those who voted for Mr. Gayle, are

Mr. President	Broadnax	Sullivan	Hickman	Oliver
Abercrombie	Brown	Vanhooose	Inge	Peyton
Ash	Coalter	Mr. Speaker	Jones	Pickens
Bagby	Coe	Armbrister	King	Saffold
Brown	Coleman	Bailey of La.	Lambert	Shotwell
Casey	Cook	Bailey of Mt.	Lewis	Sims
Clay	Conner	Creagh	Lyon	Tate
Crabb	Coopwood	Crenshaw	Mardis	Thornton
Crawford	Irwin	Davis	Martin of Fr.	Tindall
Gaines	Jackson of A.	Dellett	Martin of La.	Vaughan
Barton of Mo.	Jackson of L.	Dupuy	Martin of Li.	Vining
Barton of Tus	Jones	Edmondson	Mead	Walthall
Baylor	McCamy	Fitzpatrick	M'Lemore	Warren
Baxter	Merriwether	Fluker	M'Neill	Watson
Benson	Miller	Greening	Moore	Weissinger
Brandon	Powell	Hallett	Morton	White
Bridges	Skinner	Heard	Neill	Williams, 85.

Jno. Gayle, jr. having received all the votes present, was declared by Mr. Speaker to be duly elected Judge of the 3d judicial circuit in and for the state of Alabama.

The two Houses then proceeded to the election of a Judge for the fourth judicial circuit. John White, Richard Ellis and Wm. B. Martin being in nomination; for Mr. White 34, Mr. Martin 32, Mr. Ellis 16 votes.

Those who voted for Mr. White, are

Mr. President	Powell	Coe	Lambert	Peyton
Abercrombie	Sullivan	Cook	Lyon	Tate
Clay	Bailey of L.	Conner	Mead	Thornton
Crawford	Bailey of Mt.	Creagh	Moore	Tindall
Gaines	Barton of Mo.	Fluker	Morton	Walthall
Jones	Barton of Tus	Hickman	Neill	Weissinger
McCamy	Coalter	Inge	Oliver	

34

Those who voted for Mr. Martin, are

Messrs. Ash	Mr. Speaker	Broadnax	Greening	Pickens
Casey Irwin	Armbrister	Brown	Jones King	Saffold
Jackson of A.	Baxter	Coleman	Martin of Fr.	Shotwell
Miller	Benson	Coopwood	Martin of Li.	Sims
Skinner	Brandon	Davis	M'LeMore	Watson
Vanhooose	Bridges	Fitzpatrick	M'Neill	White—32

Those who voted for Mr. Ellis, are

Mr. Bagby	Jackson of L.	Crenshaw	Hallett	Vaughan
Brown	Merriwether	Deltett	Heard Lewis	Warren
Crabb	Baylor	Edmondson	Mardis	Williams—16

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a second time for Judge of the fourth judicial circuit, the same gentlemen in nomination, for Mr. White 35, Mr. Martin 33, Mr. Ellis 14.

Those who voted for Mr. White, are

Mr. President	Powell	Coe	Inge	Oliver
Abercrombie	Sullivan	Coleman	Lambert	Peyton
Clay	Bailey of L.	Cook	Lyon	Tate
Crawford	Bailey of Mt.	Conner	Mead	Thornton
Gaines	Barton of Mo.	Creagh	Moore	Tindall
Jones	Barton of T.	Fluker	Morton	Walthall
McCamy	Coalter	Hickman	Neill	Weissinger 35

Those who voted for Mr. Martin, are

Mr. Ash	Mr. Speaker,	Broadnax	King	Shotwell
Casey	Armbrister	Brown	Martin of Fr.	Sims
Irwin	Baylor	Coopwood	Martin of Li.	Watson
Jackson of A.	Baxter	Davis	M'LeMore	White
Miller	Benson	Fitzpatrick	M'Neill	Williams—33.
Skinner	Brandon	Greening	Pickens	
Vanhooose	Bridges	Jones	Saffold	

Those who voted for Mr. Ellis, are

Mr. Bagby	Jackson of L.	Deltett	Heard	Vaughan
Brown	Merriwether	Edmondson	Lewis	Warren
Crabb	Crenshaw	Hallett	Mardis	

14.

Neither of the persons in nomination having received a majority of the whole number, the two Houses proceeded to vote a third time for Judge of the fourth judicial circuit, John White and Wm. B. Martin being in nomination, the name of Mr. Ellis having been withdrawn, for Mr. White 42, Mr. Martin 39, Mr. Ellis 1, votes.

Those who voted for Mr. White, are

Mr. President	Gaines	Merriwether	Bailey of Ea.	Coe	Cook
Abercrombie	Jackson of L.	Powell	Barton of Mo.	Conner	
Brown	Clay	Sullivan	Barton of Tu.	Creagh	
Crawford	McCamy	Bailey of Mt.	Coalter	Crenshaw	

Dupuy	Inge	Mead	Oliver	Tindall
Fluker	Lambert	Moore	Peyton	Walthall
Hallett	Lyon	Morton	Tate	Weissinger
Hickman	Mardis	Neill	Thornton	Warren—42.

Those who voted for Mr. Martin, are

Mr. Ash	Mr. Speaker	Brown	Jones	Saffold
Casey	Armbrister	Coleman	King	Shotwell
Crabb	Baylor	Coopwood	Lewis	Sims
Irwin	Baxter	Davis	Martin of Fr.	Vaughan
Jackson of A.	Benson	Edmondson	Martin of Li.	Watson
Miller	Brandon	Fitzpatrick	McLemore	White
Skinner	Bridges	Greening	McNeill	Williams 39
Vanhoose	Broadnax	Heard	Pickens	

Mr. Dellett voted for Mr. Ellis.

John White having received a majority of all the members voting, was declared by Mr. Speaker to be duly elected Judge of the fourth judicial circuit in and for the state of Alabama.

The two Houses then proceeded to elect a Judge for the fifth judicial circuit, Henry Minor, John M. Taylor and Wm. I. Adair being in nomination—for Mr. Taylor 34, Mr. Minor 25, Mr. Adair 25 votes.

Those who voted for Mr. Taylor, are Messrs. Jackson of Au. McCamy, Miller, Skinner, Sullivan, Vanhoose Mr. Speaker, Armbrister, Baxter, Brandon, Bridges, Broadnax, Coleman, Davis, Dupuy, Fitzpatrick, Greening, Jones, King, Martin of Fr. Martin of La. McNeill, Pickens, Saffold, Shotwell, Sims, Vaughan, Vining, Walthall, Warren, Watson, Weissinger, White and Williams—34.

Those who voted for Mr. Minor, are Mr. President, Abercrombie, Bagby, Brown, Crawford, Gaines, Merriwether, Powell, Mr. Barton of Mo. Barton of Tus. Baylor, Coalter, Creagh, Crenshaw, Dellett, Fluker, Hallett, Inge, Lambert, Lewis, Lyon, Mead, Moore, Neill and Tate—25.

Those who voted for Mr. Adair are Mr. Ash, Casey, Clay, Crabb, Irwin, Jackson of La. Jones, Mr. Bailey of La. Bailey of Mt. Benson, Brown, Coe, Cook, Conner, Coopwood, Edmondson, Heard, Hickman, Mardis, McLemore, Morton, Oliver, Peyton, Thornton and Tindall—25.

Neither having received a majority of the whole number of votes, the two Houses proceeded to vote a second time for Judge of the fifth judicial circuit—for Mr. Taylor 34, for Mr. Minor 26, for Mr. Adair 24 votes.

Those who voted for Mr. Taylor, are Mr. Ash, Jackson of Au. McCamy, Miller, Skinner, Sullivan, Vanhoose Mr. Speaker, Armbrister, Baxter, Brandon, Bridges, Broadnax, Coleman, Davis, Dupuy, Fitzpatrick, Greening, Jones, King, Martin of Fr. Martin of La. McNeill, Pickens, Saffold, Shotwell, Sims, Vining, Walthall, Warren, Watson, Weissinger, White and Williams—34.

Those who voted for Mr. Minor, are Mr. President, Abercrombie, Bagby, Brown, Clay, Crawford, Gaines, Merriwether, Powell, Mr. Barton of Mo. Barton of Tus. Baylor, Coalter, Creagh, Crenshaw, Dellett, Fluker, Hallett, Inge, Lambert, Lewis, Lyon, Mead, Moore, Neill and Tate—26.

Those who voted for Mr. Adair, are Mr. Casey, Crabb, Irwin, Jackson of L. Jones, Mr. Bailey of L. Bailey of Mt. Benson, Brown, Coe, Cook, Conner, Coopwood, Edmondson, Heard, Hickman, Mardis, McLemore, Morton, Oliver, Peyton, Thornton, Tindall and Vaughan—24.

Neither having received a majority of the whole number of votes, the two Houses proceeded to vote a third time for Judge of the fifth judicial circuit; the same persons in nomination—for Mr. Taylor 38, for Mr. Minor 25, for Mr. Adair 21.

Those who voted for Mr. Taylor, are Mr. Ash, Casey, Irwin, Jackson of A. McCamy, Miller, Skinner, Sullivan, Vanhoose, Mr. Speaker, Armbrister, Baxter, Brandon, Bridges, Broadnax, Brown, Coleman, Davis, Dupuy, Fitzpatrick, Greening, Jones, King, Martin of Fr. Martin of La. McNeill, Pickens, Saffold, Shotwell, Sims, Vaughan, Vining, Walthall, Warren, Watson, Weissinger, White, Williams—38.

Those who voted for Mr. Minor, are Mr. President, Abercrombie, Bagby, Brown, Crawford, Gaines, Merriwether, Powell, Mr. Barton of Mo. Barton of Tus. Baylor, Coalter, Creagh, Crenshaw, Dellett, Fluker, Hallett, Inge, Lambert, Lewis, Lyon, Mead, Moore, Neill and Tate—25.

Those who voted for Mr. Adair, are Mr. Clay, Crabb, Jackson of La. Jones, Mr. Bailey of La. Bailey of Mont. Benson, Coe, Cook, Conner, Coopwood, Edmondson, Heard, Hickman, Mardis, McLemore, Morton, Oliver, Peyton, Thornton, Tindall—21.

Neither having been elected, the two Houses proceeded to vote a fourth time for Judge of the fifth judicial circuit; the same persons in nomination—for Mr. Taylor 38 for Mr. Minor 26, for Mr. Adair 20.

Those who voted for Mr. Taylor, are Mr. Ash, Casey, Irwin, Jackson of A. McCamy, Miller, Skinner, Sullivan, Vanhose, Mr. Speaker, Armbrister, Baxter, Brandon, Bridges, Broadnax, Brown, Coleman, Davis, Dupuy, Fitzpatrick, Greening, Jones, King, Martin of Fr. Martin of La. McNeill, Pickens, Saffold, Shotwell, Sims, Vaughan, Vining, Walthall, Warren, Watson, Weissinger, White, Williams—38.

Those who voted for Mr. Minor, are Mr. President, Abercrombie, Bagby, Brown Crawford, Gaines, Merriwether, Powell, Mr. Barton of Mo. Barton of Tus. Baylor Coalter, Creagh, Crenshaw, Dellett, Fluker, Hallett, Inge, Lambert, Lewis, Lyon Mead, McLemore, Moore, Neill and Tate—26.

Those who voted for Mr. Adair, are Mr. Clay, Crabb, Jackson of La. Jones, Mr. Bailey of La. Bailey of Mont. Benson, Coe, Cook, Conner, Coopwood, Edmondson, Heard, Hickman, Mardis, Morton, Oliver, Peyton, Thornton and Tindall—20.

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a fifth time for Judge of the fifth judicial circuit—for Mr. Taylor 33 for Mr. Minor 27, for Mr. Adair 19.

Those who voted for Mr. Taylor, are Mr. Ash, Casey, Irwin, Jackson of A. McCamy, Miller, Skinner, Sullivan, Vanhose, Mr. Speaker, Armbrister, Baxter, Brandon, Bridges, Broadnax, Brown, Coleman, Davis, Dupuy, Fitzpatrick, Greening, Jones, King, Martin of Fr. Martin of La. McNeill, Pickens, Saffold, Shotwell, Sims, Vaughan, Vining, Walthall, Warren, Watson, Weissinger, White and Williams—38.

Those who voted for Mr. Minor, are Mr. President, Abercrombie, Bagby, Brown Crawford, Gaines, Merriwether, Powell, Mr. Barton of Mo. Barton of Tus. Baylor Coalter, Creagh, Crenshaw, Dellett, Fluker, Hallett, Inge, Lambert, Lewis, Lyon Mead, McLemore, Moore, Neill, Tate and Tindall—27.

Those who voted for Mr. Adair, are Mr. Clay, Crabb, Jackson of La. Jones, Bailey of La. Bailey of Mr. Benson, Coe, Cook, Conner, Coopwood, Edmondson, Heard, Hickman, Mardis, Morton, Oliver, Peyton and Thornton—19.

Neither having been elected, the two Houses proceeded to vote a sixth time for Judge of the fifth judicial circuit, for Mr. Taylor 39, Mr. Minor 35, Mr. Adair 10.

Those who voted for Mr. Taylor, are Mr. Ash, Casey, Irwin, Jackson of A. McCamy, Miller, Skinner, Sullivan, Vanhose, Mr. Speaker, Armbrister, Baxter, Brandon, Bridges, Broadnax, Brown, Coleman, Coopwood, Davis, Dupuy, Fitzpatrick, Greening, Jones, King, Martin of Fr. Martin of La. McNeill, Pickens, Saffold, Shotwell, Sims, Vaughan, Vining, Walthall, Warren, Watson, Weissinger, White, Williams—39.

Those who voted for Mr. Minor are Mr. President, Abercrombie, Bagby, Brown, Clay, Crawford, Gaines, Merriwether, Powell, Mr. Bailey of M. Bailey of L. Barton of M. Barton of T. Baylor, Coalter, Coe, Cook, Creagh, Crenshaw, Dellett, Fluker, Hallett, Hickman, Inge, Lambert, Lewis, Lyon, Mardis, Mead, McLemore, Moore, Neill, Oliver, Tate and Tindall—35.

Those who voted for Mr. Adair, are Mr. Crabb, Jackson of La. Jones, Mr. Benson, Conner, Edmondson, Heard, Morton, Peyton and Thornton—10.

Neither of the persons nominated having received a majority of the whole number of votes, the two Houses proceeded to vote a seventh time for Judge of the fifth judicial circuit, the same persons in nomination: for Mr. Taylor 43, Minor 39, Adair 3.

Those who voted for Mr. Taylor, are Mr. Ash, Casey, Crabb, Irwin, Jackson of A. McCamy, Miller, Skinner, Sullivan, Vanhose, Mr. Speaker, Armbrister, Baxter, Benson, Brandon, Bridges, Broadnax, Brown, Coleman, Coopwood, Davis, Dupuy, Edmondson, Fitzpatrick, Greening, Jones, King, Martin of Fr. Martin of La. Martin of Li. McNeill, Pickens, Saffold, Shotwell, Sims, Vaughan, Vining, Walthall, Watson, Warren, Weissinger, White and Williams—43.

Those who voted for Mr. Minor, are Mr. President, Abercrombie, Bagby, Brown, Clay, Crawford, Gaines, Jackson of La. Jones, Merriwether, Powell, Mr. Bailey of M. Bailey of L. Barton of M. Barton of T. Baylor, Coalter, Coe, Cook, Conner, Creagh, Crenshaw, Dellett, Fluker, Hallett, Hickman, Inge, Lambert, Lewis, Lyon, Mardis, Mead, McLemore, Moore, Neill, Oliver, Tate, Thornton and Tindall—39.

Those who voted for Mr. Adair, are Mr. Heard, Morton and Peyton—3.

John M. Taylor having received a majority of the whole number of votes was

declared by Mr. Speaker to be duly elected Judge of the fifth judicial circuit in and for the state of Alabama.

The two Houses then proceeded to the election of a Judge for the sixth judicial circuit, Anderson Crenshaw alone being in nomination, for Mr. Crenshaw 81 votes. Those who voted for Mr. Crenshaw, are

Mr. President, Abernethie, Ash, Bagby, Brown, Casey, Clay, Crabb, Crawford, Games, Irwin, Jackson of A. Jackson of L. Jones, McCamy, Merriwether, Miller, Paywell, Skinner, Sullivan, Vanhoose, Mr. Speaker, Armbrister, Bailey of L. Bailey of M. Barton of M. Barton of T. Baylor, Baxter, Brandon, Bridges, Broadnax, Brown, Coalter, Coe, Coleman, Cook, Conner, Coopwood, Creagh, Davis, Delleit, Dupuy, Edmondson, Fitzpatrick, Fluker, Greening, Hallett, Heard, Hickman, Lige, Jones, King, Lambert, Lewis, Lyon, Mardis, Martin of La. M. Le More, McNeill, Moore, Morton, Neill, Oliver, Peyton, Pickens, Saffold, Shotwell, Sims, Tate, Thornton, Tindall, Vaughan, Vining, Walthall, Warren, Watson, Weisinger, White, and Williams—81. Scattering 1.

Anderson Crenshaw having received a majority of the whole number of votes was declared by Mr. Speaker to be duly elected Judge of the sixth judicial circuit in and for the state of Alabama.

The two Houses then proceeded to the election of a Comptroller of Public Accounts, Samuel Pickens alone being in nomination, for Mr. Pickens 78 votes.

Those who voted for Mr. Pickens, are

Mr. President	Skinner	Coalter	Heard	Oliver
Ash	Brown	Sullivan	Coe	Peyton
Abernethie	Vanhoose	Coleman	Inge	Pickens
Clay	Mr. Speaker	Conner	King	Saffold
Crabb	Armbrister	Coopwood	Lambert	Shotwell
Crawford	Bailey of La.	Creagh	Lewis	Sims
Games	Bailey of M.	Crenshaw	Lyon	Tate
Irwin	Barton of M.	Davis	Mardis	Thornton
Jackson of A.	Barton of Tus.	Delleit	Martin of Fr.	Vaughan
Jackson of L.	Baxter	Dupuy	Martin of La.	Vining
Jones	Beason	Edmondson	McLemore	Warren
McCamy	Brandon	Fitzpatrick	McNeill	Watson
Merriwether	Bridges	Fluker	Moore	Weisinger
Miller	Broadnax	Greening	Morton	White
Paywell	Brown	Hallett	Neill	Williams—78.

Samuel Pickens having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected Comptroller of public accounts for the ensuing year. The two Houses then proceeded to the election of a state treasurer, John C. Perry alone being in nomination. For Mr. Perry 78 votes. Those who voted for Mr. Perry are,

Mr. President	Skinner	Coalter	Heard	Oliver
Abernethie	Sullivan	Coe	Hickman	Peyton
Ash	Vanhoose	Coleman	Inge	Pickens
Clay	Mr. Speaker	Conner	Jones	Saffold
Crabb	Armbrister	Coopwood	Lambert	Shotwell
Crawford	Bailey of La.	Creagh	Lewis	Sims
Games	Bailey of Mont.	Crenshaw	Lyon	Tate
Irwin	Barton of M.	Davis	Mardis	Thornton
Jackson of A.	Barton of Tus.	Delleit	Martin of Fra.	Vaughan
Jackson of La.	Baxter	Dupuy	Martin of Lau.	Vining
Jones	Beason	Edmondson	McLemore	Warren
McCamy	Brandon	Fitzpatrick	McNeill	Watson
Merriwether	Bridges	Fluker	Moore	Weisinger
Miller	Broadnax	Greening	Morton	White
Paywell	Brown	Hallett	Neill	Williams—78

John C. Perry having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected Treasurer for the state of Alabama for the ensuing year.

The Senate withdrew, & the House adjourned till tomorrow morning 10 o'clock.

Wednesday, Dec. 28, 1825.

The Speaker laid before the House of Representatives a report of the board of trustees of the University of Alabama, which was read and referred to the committee on schools, colleges and universities and school and university lands. Ordered that 160 copies thereof be printed for the use of this House.

Message from the Governor, by J. I. Thornton, secretary of state:

EXECUTIVE DEPARTMENT, DECEMBER 28, 1825.

To the honorable the Speaker and members of the House of Representatives, GENTLEMEN—I have the honor, herewith, to transmit you the resignation of Judge Minor, of the fifth judicial circuit. I have also received a letter from Dr. Webb, and sundry accounts relating to the expenditures at the reception of Gen. Lafayette; which I beg leave to submit to your consideration.

I have the honor to be, very respectfully, &c.

JOHN MURPHY.

And then he withdrew.

Resolution proposing certain amendments to the constitution of the state of Alabama, was ordered to be engrossed for a 3d reading.

Mr. Mead from the select committee to whom was referred a bill to be entitled an act to extend the criminal jurisdiction of St. Clair county into the Creek nation and for other purposes, reported the same with sundry amendments, in which the House concurred.

Mr. Coalter from the committee on schools, colleges and universities and school and university lands, to whom was referred the petition of sundry inhabitants of Greene county, praying the passage of a law authorizing the sale of the 16th section therein named, reported that there is a bill in progress before this House making general provisions, embracing this object, and that it is inexpedient to pass a special law on that subject, in which report the House concurred.

Mr. Coalter, from the committee on schools, colleges and universities, and school and university lands, to whom was referred the petition of sundry inhabitants of Lauderdale county, praying the passage of a law authorizing them to remain in possession for the term of a reasonable lease, reported, that it is inexpedient to pass such a law; in which report the House concurred.

Mr. Mardis presented the account of Ezekiel Webb; which was read and referred to the committee on accounts.

Mr. Hallett presented the account of Robert Carr Lane; which was read and referred to the committee on accounts.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled an act for the better securing the payment of rents, and to regulate the practice of suing out writs of replevin, within the corporate limits of the city of Mobile, reported the same without amendment.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled an act to authorize copies of official bonds to be given in evidence, in the several courts of law and equity in this state, reported the same without amendment.

Mr. Dellett, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of authorizing the appointment of a jurist, learned in the law, to prepare a penal code for this state, on principles of reformation and not of vindictive justice, reported a bill to be entitled an act to prepare a penal and civil code for the state of Alabama; which was read a first time, and the question being put, shall this bill be read a second time? it was determined in the negative.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled an act to allow merchants, physicians, shop-keepers, mechanics and others to prove their accounts, reported the same without amendment.

Mr. Creagh presented the petition of William Kelly, praying the passage of a law allowing compensation as counsel; which was read and referred to the committee on accounts.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled an act to restrain the taking excessive usury, reported the same without amendment.

Mr. Dellett, from the judiciary committee, to whom was referred a resolution directing them to inquire into the expediency of authorizing by law defendants, in all cases, to plead a partial failure of consideration, reported, that it would be inexpedient to pass the law contemplated by the resolution. Which was ordered to lie on the table.

Joint resolution, relating to the dividing line between this state and the state of Georgia, was read a second time and ordered to be engrossed for a third reading.

A bill, to be entitled an act the more effectually to secure the payment of costs of suits instituted in this state, was read the second time.

Mr. Martin of Laud. moved to amend the same by adding, after the word "before," the words "or any time during the pendency of said suit;" which was carried. Mr. Brown moved that the further consideration thereof be indefinitely postponed; which was carried.

A bill, entitled an act for procuring the necessary surveys, plans, and estimates upon the subject of canals, and for improving the navigable waters of this state, was read a second time. Mr. Weissinger moved to amend the same by adding "and the Canawba river, as far as the falls;" which was carried. Mr. Davis moved to amend the second section by adding "and the Buttahatche, as far as Johnson's mills; which was carried.

Mr. Morton moved that the further consideration of the bill be indefinitely postponed; which was carried—Yeas 37, nays 23.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Ambrister	Coleman	Edmondson	McLemore	Shotwell
Bailey of La.	Cook	Fitzpatrick	McNeill	Sims
Benson	Conner	Floker	Moore	Tindall
Brandon	Creagh	Greening	Morton	Walthall
Bridges	Creshaw	Jones King	Neill Oliver	Warren
Broadnax	Dellett	Martin of Li.	Pickens	Watson
Brown	Dupuy	Mead	Saffold	Williams—37

Those who voted in the negative, are

Mr. Speaker	Baxter	Dellett	Mardis	Vaughan
Bailey of Mt.	Coalter	Hickman	Martin of Fr.	Vining
Barton of Mo.	Coe	Inge	Martin of La.	Weissinger 23
Barton of T.	Coopwood	Lambert	Peyton	
Bayler	Davis	Lewis	Tate	

Message from the Governor by J. I. Thornton, secretary of state, and is as follows, to wit: Mr. Speaker, I am instructed by the governor to inform your honorable body that he did this day approve and sign an act to provide for the appointment of an overseer in the towns of St. Stephens, Rodney and Franklin; an act to provide for an extra term of the circuit court in Mobile and Baldwin counties; an act to authorize the county courts of Morgan county to make an allowance therein mentioned; and a joint resolution in relation to a grant of land by

congress to the corporation of the city of Mobile; all of which originated in this House. And then he withdrew. The House adjourned for one hour.

Mr. Coalter from the committee on schools, colleges and universities and school and university lands to whom was referred a communication of the board of trustees of the university of Alabama, reported a bill to be entitled an act reserving from sale the university lands in the county of Tuscaloosa, which was read a first time; and the rule which requires bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a second time forthwith, and ordered to be engrossed for a third reading.

The Speaker laid before the House a communication from the comptroller of public accounts, which is as follows:

Comptroller's Office, December 20, 1825.

Sir: In obedience to a resolution of the House of Representatives of yesterday, requiring the comptroller of public accounts to lay before the house a statement showing the amount of money paid to individuals who have been employed under the authority of the State as civil engineers, or for the purpose of examining and reporting respecting certain water courses in this state, and the improvement necessary to be made to render them navigable, and the amount and date of each payment, I have the honor to report that the only sum drawn from the treasury of this state for the above purposes was in favor of Wm. Dene under the authority of an act of 3d Dec. 1821, for examining the Black Warrior river above the town of Tuscaloosa. The amount of this sum was one hundred and twenty dollars, which was drawn from the treasury on the 6th Dec. 1821.

SAMUEL PICKENS.

I am very respectfully, &c.
Hon. Wm. Kelly, speaker of the House of Reps.

Wm. Dene was laid on the table.

Engrossed bill from the Senate to be entitled an act for the relief of Thomas Hearn was read a first time and ordered to be read a 2d time.

• Mr. Baylor obtained leave to introduce a bill to be entitled an act to authorize the judges of the circuit courts in certain cases to order jurors to be empanelled, which was read a first time and ordered to be read a 2d time.

Engrossed bill from the Senate to be entitled an act to alter the line of Madison and Jackson counties, was read a 3d time and passed. *Ordered* that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: A joint resolution memorializing Congress in relation to certain public works therein named; An act to alter the manner of electing major and brigadier-generals; An act to provide for the appointment of a public weigher in the town of Blakeley; An act to authorize certain persons therein named to raise by lottery a certain sum of money for the purpose therein named; An act to establish and incorporate the town of Somerville in the county of Morgan, were severally read a 3d time and passed. *Ordered* that the titles be changed from that of bills to that of acts. *Ordered* that the same be sent to the Senate for concurrence.

Engrossed bill to be entitled an act to compel the owners of hired slaves to pay Physicians' fees, was read a 3d time and the question being put, Shall this bill pass? it was determined in the affirmative, yeas 36, nays 20:

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Bailey of Mr.	Baylor	Benson	Broadnax
Armbrister	Barton of Mo	Baxter	Brandon	Coalter

Cook	Heard	McLemore	Shotwell	Vining
Davis	Inge Jones	McNeill	Sims	Watson
Dupuy	Lewis	Morton	Thornton	Weissinger
Edmondson	Martin of La.	Pickens	Tindall	White
Hallett	Mead	Saffold	Vaughan	Williams—36.

Those who voted in the negative, are

Bailey of La.	Coe	Creagh	Lambert	Peyton
Barton of Tus.	Coleman	Crenshaw	Mardis	Tate
Bridges	Conner	Dellett	Martin of Li.	Walshall
Brown	Coopwood	Fluker	Moore	Warren—20.

Ordered, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the senate, for their concurrence. The bill was then to be entitled an act divorcing Wm. Bryant from his wife Rodah Bryant; was read a third time, and the question being put, shall this bill pass? it was determined in the negative, there not being a constitutional majority voting in favor of its passage.

Those who voted in the affirmative, are

Mr. Speaker	Broadnax	Fitzpatrick	Martin of Li.	Thornton
Armbrister	Brown	Hallett	Martin of La.	Tindall
Barton of Mo.	Cook	Heard	Mead	Vining
Barton of T.	Conner	Inge	McNeill	Walshall
Baylor	Davis	King	Neill	Warren
Baxter	Dupuy	Lambert	Oliver	White
Brandon	Edmondson	Lewis	Peyton	Williams 35

Those who voted in the negative, are

Mr. Bailey of M.	Coalter	Crenshaw	Mardis	Shotwell
Bailey of La.	Coleman	Dellett	McLemore	Tate
Benson	Coopwood	Fluker Jones	Pickens	Vaughan
Bridges	Creagh	Moore	Saffold	Weissinger 21

Mr. Barton of T. obtained leave to introduce a bill to be entitled an act to authorize the appointment of a clerk of the supreme court, and for other purposes; which was read a first time, and the rule requiring bills to be read on three several days, being dispensed with, four fifths of the members present voting in the affirmative, it was read a second time forthwith. Mr. Dellett moved to amend the same by striking out of the 1st section the words good behavior; which was determined in the affirmative. Yeas 37, nays 18.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Armbrister	Brown	Dupuy	Moore	Vining
Bailey of M.	Coe	Cook	Peyton	Walshall
Baxter	Coleman	Hallett	Pickens	Warren
Benson	Coopwood	Jones King	Saffold	Watson
Brandon	Crenshaw	Mardis	Shotwell	Weissinger
Bridges	Davis	Martin of La.	Tate	White
Broadnax	Dellett	McLemore	Vaughan	Williams, 37.
		McNeill		

Those who voted in the negative, are

Mr. Speaker	Coalter	Fluker	Lewis	Neill
Bailey of La.	Conner	Heard	Martin of Li.	Sims
Barton of Mo.	Creagh	Inge	Mead	Tindall—19.
Barton of Tus.	Edmondson	Lambert	Morton	

Mr. Barton of T. moved to fill the blank with five years; which was carried; and ordered to be engrossed for a third reading.

The House adjourned till to morrow morning, 10 o'clock.

Thursday, December 29, 1825.

A message from the Senate, by Mr. Lyon, their Secretary: Mr. Speaker, the Senate have read three times and passed bills, which originated in their House, entitled an act for the relief of David Tate and others; an act to repeal in part an act therein named; an act to authorize the commissioners of the 16th section therein named to appropriate the proceeds thereof to the aid and support of the

Concord Academy; an act to enforce those provisions of the act entitled an act to establish a bank in the town of Mobile, which relates to voting for directors; and an act providing for the appointment of commissioners to select a quarter section of land for the county of Bibb, and for other purposes—in all of which they desire your concurrence. They disagree to the amendment made by your honorable body to the memorial to the Congress of the United States. They have read three times and passed a bill, which originated in the House of Representatives, entitled an act for the relief of Leasa Lewis, and have amended the same by adding a proviso thereto; in which amendment they desire your concurrence. They have also read three times and passed bills, which originated in the House of Representatives, entitled an act to divorce Nancy Gillespie from Andrew S. Gillespie; an act to establish the boundary lines between certain counties therein named; an act to incorporate the Moulton Library Company; an act to incorporate the town of Florence, in the state of Alabama; and an act to amend an act entitled an act to establish a certain county therein named, and for other purposes, passed, December 22, 1824. And then he withdrew.

Mr. Weissinger presented the petition of sundry inhabitants of Bibb county, praying the repeal of the 10th and 11th sections of an act, passed at the last session of the general assembly, entitled an act appointing agents to select a quarter section of land for the county of Shelby and other counties therein named, passed, December 15, 1824; which was read and referred to the committee on county boundaries.

Mr. Greening obtained leave to introduce a bill to be entitled an act to fix the salary of the President of the Bank of the state of Alabama, which was read a first time and ordered to be read a 2d time.

Mr. Martin of F. obtained leave to introduce a bill to be entitled an act to repeal in part and amend an act to regulate the rate of interest, passed Dec. 17, 1819, which was read a first time and ordered to be read a 2d time.

Engrossed bill to be entitled an act to authorize the appointment of a clerk of the supreme court and for other purposes, was read a third time and passed. *Ordered* that the title be changed from that of a bill to that of an act. *Ordered* that the same be sent to the Senate for their concurrence. *Ordered* that the House concur in the amendments made by the Senate to a bill to be entitled an act for the relief of Leasa Lewis.

Mr. Davis obtained leave to introduce a bill to be entitled an act to authorize defendants to plead a failure of consideration, which was read a first time, and ordered to be read a 2d time.

Mr. Greening moved that the House insist on their amendments to the memorial from the Senate, to the Congress of the United States, praying further relief to the purchasers of public lands, which was determined in the affirmative, yeas 46, nays 14.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brown	Coe	Greening	McLemore	Tindall
Armbrister	Coleman		Hallett	McNeill	Vining
Barton of Mo.	Cook		Jones King	Neill Oliver	Walthall
Baylor	Coopwood		Lambert	Peyton	Warren
Baxter	Davis		Lewis	Pickens	Watson
Benson	Dupuy		Mardis	Saffold	Weissinger
Brandon	Edmondson		Martin of Fr.	Shotwell	White
Bridges	Fitzpatrick		Martin of La.	Sims	Williams—46
Broadnax	Fluker		Mead	Those who voted in the negative, are	
Mr. Barton of T.	Creagh		Heard	Lyon	Tate
Bailey of L.	Crenshaw		Hickman	Martin of Li.	Thornton, 14
Conner	Dallett		Inge	Morton	

Engrossed bills from the Senate of the following titles, to wit: An act providing for the appointment of commissioners to select a quarter section of land for the county of Bibb, and for other purposes; An act to enforce those provisions of the act, entitled an act to establish a bank in the town of Mobile, as relates to voting for directors; were severally read a first time, and ordered to be read a second time.

Mr. Barton of Tus. from the select committee, to whom was referred an engrossed bill from the Senate to be entitled an act to amend the charter of the Bank of the state of Alabama, reported the same with sundry amendments, by striking out all after the enacting clause and substituting three sections in lieu thereof, in which report the House concurred. Mr. Creagh moved further to amend the same by striking out the preamble of the bill, which was carried. Said bill was then read as amended a third time, and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr. Martin of Fr. from the select committee, to whom was referred the petition of sundry inhabitants of Lauderdale county, reported a bill to be entitled an act to establish a permanent road from Florence, in the county of Lauderdale to Athens in the county of Limestone; which was read a first time, and ordered to be read a second time.

Mr. Broadnax moved that the House adjourn for one hour. Yeas 35, nays 20.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coalter	Davis	Martin of Fr.	Tindall
Ambrister	Coe	Dupuy	Martin of La.	Thornton
Barton of Mo.	Coleman	Edmondson	Meid	Vaughan
Baxter	Cook	Greening	M'Lemore	Vining
Brandon	Coaner	Heard	Neill	Walthall
Bridges	Creagh	King	Oliver	Watson
Broadnax	Crenshaw	Lyon	Shotwell	Williams, 35.

Those who voted in the negative, are

Barton of Tus	Fitzpatrick	Lumbert	Moore	Sims
Brown	Fluker	Lewis	Peyton	Tate
Cropwood	Hickman	Mardis	Pickens	Warren
Dellat	Jones	Martin of Li.	Saffold	Weissinger 20

Evening Session.—Engrossed bills from the Senate of the following titles, to wit: an act to authorize the commissioners of the 16th section therein named to appropriate the proceeds thereof to the aid and support of the Concord Academy; an act for the relief of David Tate and others; an act to repeal in part an act therein named. Engrossed bill, to be entitled an act regulating the mode of emancipating slaves, was laid on the table. Engrossed bills of the following titles, to wit: an act to incorporate the Trustees of La Fayette Academy in the village of La Grange; an act to extend the corporate limits of the town of Moulton, and for other purposes; an act for the relief of the first township, range seven, east of the basis meridian of Huntsville; a joint resolution, relating to the boundary line between the state of Alabama and the state of Georgia; an act reserving from sale the university lands in the county of Tuscaloosa; and an act to establish certain election precincts therein named—were severally read a third time and passed. Ordered, that the titles be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence. Engrossed bill, to be entitled an act regulating elections, was read a third time. Mr. Brown moved to amend the same by way of engrossed rider, which was carried. Mr. Vining moved further to amend the same by way of engrossed rider, which was carried and passed. Ordered, that the title be changed to an act. Ordered, that it be sent to the Senate for their

concurrence, Engrossed bill, to be entitled an act for the relief of Edmund King, Thomas T. Walker, Sally B. Stephens and Edward W. Powell, was read a third time, and the question being put, shall this bill pass? it was determined in the negative—yeas 21, nays 29.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Baxter	Davis	Jones	Martin of La.
Armbrister	Benson	Edmondson	Lambert	Oliver
Barton of Mo.	Broadnax	Fitzpatrick	Lewis	Thornton
Baylor	Cook Creagh	Hickman	Mardis	Weissinger 21

Those who voted in the negative, are

Mr. Bailey of L.	Conner	Greening	Peyton	Vaughan
Brandon	Coopwood	King	Pickens	Vining
Bridges	Crenshaw	Lyon	Saffold	Walshall
Brown	Delleit	Martin of Fr.	Shotwell	Watson
Cool	Dupuy	McLemore	Sims	White—29.
Coleman	Fluker	Neill	Timball	

Engrossed bill from the Senate to be entitled an act for the emancipation of a negro man slave named Peter, was read a 3d time and passed. Ordered that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate to be entitled an act the better to organize the militia of the counties of Co.ington and Dale, was read a 3d time and passed. Ordered that the clerk acquaint the Senate therewith.

Engrossed resolution proposing certain amendments to the constitution of the state of Alabama, was read a 3d time, and the question being put, shall the resolution pass? it was determined in the negative, there not being a constitutional majority in favor of its passage.

Those who voted in the affirmative, are

Mr. Armbrister	Coopwood	Lewis	Neill	Vining
Bailey of L.	Davis	Martin of Fr.	Peyton	Walshall
Baxter	Dupuy	Martin of La.	Shotwell	Watson
Brandon	Edmondson	Martin of Li.	Sims	Watson
Brown	Hickman	Mead	Tate	Weissinger
Cool	Jones	McNeill	Thornton	White—34
Coleman	King	Morton	Vaughan	

Those who voted in the negative, are

Mr. Speaker	Bridges	Delleit	Inge Lyon	Oliver
Barton of M.	Broadnax	Fitzpatrick	Lambert	Pickens
Barton of Tus	Cool Conner	Fluker	Mardis	Saffold
Baylor	Creagh	Greening	McLemore	Timball
Benson	Crenshaw	Hallett	Moore	Williams, 27.

A bill to be entitled an act divorcing certain persons therein named, Mr. Mead moved to strike out the 3d section of said bill, which was carried. Mr. Vining moved to recommit the same to a select committee, for the purpose of reporting separate bills—hereupon Messrs. Vining, Fitzpatrick and Shotwell were appointed said committee.

A bill to be entitled an act to allow merchants, physicians, shopkeepers, mechanics and others to prove their accounts; was read a second time, and referred to a select committee, consisting of Messrs. Oliver, Lambert and Watson. Bills of the following titles, to wit: An act to extend the criminal jurisdiction of St. Clair county into the creek nation, and for other purposes; An act for the relief of James Frazier, late tax collector of Franklin county; An act to authorize the county courts of Henry and Dale counties to levy a tax on said counties, for certain purposes herein named; An act to repeal an act, entitled an act restricting the recovery of claims against the counties res-

pectively, in certain cases, passed, Dec. 7, 1823; An act to amend an act, entitled an act to alter and amend the charter of incorporation of the city of mobile, were severally read a 2d time and ordered to be engrossed for a 3d reading.

A bill to be entitled an act for the better securing the payment of rents & to regulate the practice of suing out writs of replevin within the corporate limits of the city of mobile; *Mr. Barton of M.* substituted a bill in lieu thereof, to be entitled an act respecting rents in the city of mobile, which was read a 2d time and ordered to be engrossed for a 3d reading. A bill to be entitled an act further to suppress immorality, was read a 2d time; *Mr. Brown* moved that the further consideration thereof be indefinitely postponed, which was lost, yeas 20, nays 39.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker,	Brandon	Crenshaw	Lyon	Oliver
Armbrister	Brown	Dellelt	Martin of Li.	Pickens
Barton of mo.	Chalster	Dupuy	Moore	Tindall
Baxter	Crough	Inge	Neill	Warren 20

Those who voted in the negative, are

Bailey of La.	Coopwood	King	McNeill	Vaughan
Barton of Tu.	Davis	Lambert	Morton	Vining
Baylor	Edmondson	Lewis	Peyton	Walshall
Benson	Fitzpatrick	Mardis	Saffold	Weissinger
Broadnax	Fluker	Martin of Fr.	Shotwell	Watson
Coleman	Greening	Martin of La.	Sims	White
Cook	Hickman	Mead	Tate	Williams-39.
Conner	Jones	McLemore	Thornton	

Said bill was then referred to a select committee, consisting of messrs. Greening, Martin of L. and Watson. The House adjourned till tomorrow, 9 o'clock.

Friday, December 30, 1825.

Message from the Senate by Mr. Lyon their secretary: *Mr. Speaker*, the Senate concur in the amendment made by your honorable body to the bill entitled An act to alter the lines of Madison and Jackson counties. They have read three times and passed a bill which originated in the Senate, entitled an act for the better organization of the county court of mobile county, in which they desire your concurrence. They have also read three times and passed, bills which originated in the House of Representatives, entitled an act declaring Paint-Rock river a public highway; An act concerning taxes in mobile county; An act to provide for the payment of petit jurors in the counties of Blount, Montgomery, mobile and Baldwin, and for other purposes: and then he withdrew.

Mr. Vining presented the petition of sundry inhabitants of Madison county, praying the passage of a law to repeal the act or so much thereof as gives to Green academy the fines and forfeitures of Madison county, for the term of five years, which was read and laid on the table.

Mr. Davis presented the account of Pallas Neelly, which was read and referred to the committee on accounts.

Mr. McLemore presented the memorial of James W. Armstrong, praying the passage of a law, to refund a sum of money improperly paid by him as tax collector of Montgomery county, which was read and referred to the committee on propositions and grievances.

Mr. Vining from the select committee to whom was referred a bill to be entitled an act divorcing certain persons therein named, reported that they have amended the same by striking out the 2d section thereof, and reported in lieu thereof a bill, to be entitled an act to divorce Deborah Dixon from her husband Samuel Dixon, which was read a 2d time and ordered to be engrossed for a 3d reading.

A bill to be entitled an act divorcing certain persons therein named; was read a 2d time and ordered to be engrossed for a 3d reading.

Mr. Heard from the committee on enrolled bills, reported that he had examined and found correctly enrolled, bills of the following titles, to wit: An act to prohibit the further granting licenses for gaming; An act to compensate county court clerks for paying printers' fees for publishing the appraisement of certain strays and for other purposes; An act to amend an act entitled an act to establish a certain county therein named, and for other purposes, passed Dec. 22, 1824; An act to incorporate the Moulton library company; An act the more effectually to prevent the trading with slaves, and for other purposes; An act for the relief of Wm. McDonald; An act for the relief of Leasa Lewis; An act to establish the boundary lines between certain counties therein named; An act to divorce Nancy Gillespie from Andrew S. Gillespie; An act to establish the temporary seat of justice in the county of Walker; An act to emancipate certain slaves therein mentioned.

Mr. Hallett, from the committee on accounts, to whom was referred the account of Ezekiel Henry, late sheriff of Shelby county, reported that upon examination, they find an appropriation was made for the payment of said account, by an act of the General Assembly, passed, Dec. 31, 1823, and ask leave to be discharged from the further consideration of the same, which was agreed to.

Mr. Hallett, from the committee on accounts, to whom was referred the act in its with sundry documents accompanied thereto of Samuel L. Caldwell, for keeping Samuel Poll, and Wm. Searcy, in the jail of Butler county, reported that said accounts chargeable upon the state treasury, but inasmuch as the same are not authenticated according to the mode prescribed by law, ought not to be allowed, and ask leave to be discharged from the further consideration of the same, which was agreed to.

Mr. Hallett, from the committee on accounts, to whom was referred the account of David Brown, claiming compensation for attendance on the circuit court of St. Clair county, as a witness on behalf of the state, reported that the account aforesaid is legally chargeable upon the county treasury, and ask leave to be discharged from the further consideration of the same, which was agreed to.

Mr. Martin, of Loud, presented the account of John Thompson, which was read, and referred to the committee on accounts.

Mr. Hallett obtained leave to introduce a bill, to be entitled an act making appropriations, for the year eighteen hundred and twenty-six, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four fifths of the members present voting in the affirmative, it was read a second time forthwith, and referred to the committee on ways and means.

Mr. Pluker offered the following: *Resolved*, that no more business be received by this House after Monday next, except it be reports from the committees founded upon matters referred to them before that time, and that this House with the consent of the Senate will adjourn *sine die* on Saturday, the 7th of January next. Mr. Morton moved that the further consideration thereof be postponed till the first day of June next, which was lost. Yeas 10, nays 47.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Baylor	Heard	Martin of La.	Mead	Peyton
Edmondson	Lewis	Martin of Li.	Morton	Tate

Those who voted in the negative, are

Mr. Armbrister	Barton of M.	Baxter	Brandon	Broadnax
Bailey of L.	Barton of Tas	Benson	Bridges	Brown

Coleman	Dupuy	Lambert	Oliver	Vining
Conner	Coe	Lyon	Pickens	Walthall
Coopwood	Fluker	Mardis	Saffold	Warren
Creagh	Greening	Martin of Fr.	Shotwell	Watson
Crenshaw	Hallett	McLemore	Sims	Weissinger
Davis	Inge	Jones	Thornton	White
Dellert	King	Neill	Tindall	Williams

The said resolution was then adopted.

Mr. Watson, from the select committee, to whom was referred a bill to be entitled an act to suppress immorality, reported in lieu thereof a bill to be entitled an act to suppress immorality. Mr. Oliver moved that the further consideration thereof be indefinitely postponed, which was lost. Yeas 21, nays 38.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Brown	Dellert	Martin of Li.	Tate
Barton of Mo.	Coalter	Coe	Dupuy	Neill
Baxter	Creagh	Heard	Oliver	Tindall
Bridges	Crenshaw	Inge	Pickens	Warren
			Sims	

Those who voted in the negative, are

Mr. Bailey of L.	Cook	Conner	Greening	Martin of Fr.	Vaughan
Barton of T.	Coopwood	Jones	King	McLemore	Vining
Baylor	Davis	Lambert		Morton	Walthall
Benson	Edmondson	Lewis		Peyton	Watson
Brandon	Fitzpatrick	Lyon		Saffold	Weissinger
Broadnax	Fluker	Mardis		Shotwell	White
Coleman	Hickman	Martin of La.		Thornton	Williams

Mr. Dellert offered the following amendment, "And be it further enacted, that any person who shall be guilty of endeavoring to procure votes in any manner whatever, shall be subject to an indictment, and on conviction thereof shall receive thirty nine lashes on his bare back at the public whipping post of the county, and shall not thereafter be a competent witness in any court of law or equity in this state, which was lost. Yeas 14, nays 42.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Coalter	Crenshaw	Inge	Oliver
Brown	Coe	Dellert	Mead	Pickens
Baxter	Creagh	Dupuy	Neill	

Those who voted in the negative, are

Mr. Bailey of L.	Conner	Hickman	McLemore	Tindall
Barton of Mo.	Coopwood	Jones	King	McNeill
Barton of Tus	Davis	Lambert		Morton
Baylor	Edmondson	Lewis		Peyton
Benson	Fitzpatrick	Mardis		Saffold
Brandon	Fluker	Martin of Fr.		Shotwell
Broadnax	Greening	Martin of La.		Sims
Coleman	Heard	Martin of Li.		Thornton
				Tate
				White
				Williams

Said bill was then referred to a select committee, consisting of Messrs. Barton, of Tus. Thornton, and Davis.

Mr. Dellert, from the judiciary committee, to whom was referred a bill to be entitled an act, to authorize clerks of the county courts to administer oaths in certain cases, reported the same with an amendment; in which report the House concurred.

Mr. Dellert, from the judiciary committee, to whom was referred an engrossed bill from the Senate, to be entitled an act to alter and amend the several laws now in force in this state to suppress the evil practice of duelling, reported the same without amendment.

Mr. Dellert obtained leave to introduce a bill, to be entitled an act the more effectually to secure the collection of public monies; which was read a first time and ordered to be read a second time.

Mr. Creagh presented the account of Thomas Murray against the state; which was read and referred to the committee on accounts.

Mr. Brandon obtained leave to introduce a bill, to be entitled an act to divorce Elizabeth Galloway from James Galloway; which was read a first time and ordered to be read a second time.

On motion of Mr. Watson, *resolved*, that hereafter, on a call of the House, it shall be the duty of the clerk to enter on the journal of this House the names of the absent members, unless a reasonable excuse is offered for their absence.

A message from his excellency the Governor, by James I. Thornton, secretary of state: *Mr. Speaker*, I am requested by the Governor to inform your honorable body, that he did, on the 28th instant, approve and sign an act granting relief to parties in the supreme court, in certain cases, which originated in this House. And then he withdrew.

Engrossed bill, to be entitled an act for the better organization of the county court of Mobile county, was read a first time and ordered to be read a second time. Engrossed bills of the following titles to wit: an act to repeal an act restricting the recovery of claims against the counties respectively, in certain cases, passed December 9, 1833; an act respecting rents in the city of Mobile; an act to extend the criminal jurisdiction of St. Clair county into the Cherokee Nation, contiguous thereto, and for other purposes; and an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile—were severally read a third time and passed. *Ordered*, that the titles be changed from that of bills to that of acts. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed a bill, which originated with the House of Representatives, entitled a bill to be entitled an act to authorize the appointment of a clerk of the supreme court, and for other purposes.

A bill, to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Lauderdale county to levy a tax for the purposes therein specified, was read a second time. Mr. Coalter moved to amend the same, by adding thereto an additional section; which was carried. *Ordered*, that the said bill be engrossed for a third reading.

Mr. Dellett moved that the House reconsider a vote given yesterday on a bill to be entitled an act for the relief of Edmund King, Thomas T. Walker, Sally B. Stevens and Edward W. Powell, which was carried. Said bill was then referred to a select committee, consisting of messrs. Dellett, Barton of Tus., and Thornton.

On motion of Mr. Morton, *Resolved* that the principal clerk of the House be authorized to employ an assistant clerk for the remaining part of the present session of the General Assembly.

A bill to be entitled an act to prevent sheriffs, coroners and constables purchasing property at their own sales, and for other purposes, was read a second time and ordered to be engrossed for a 3d reading.

The House adjourned for one hour.

Evening Session.—Mr. Heard from the committee on enrolled bills, reported that he had examined and found correctly enrolled, bills of the following titles, to wit: An act declaring Paint Rock river a public

highway; an act to authorize the appointment of a clerk of the supreme court, and for other purposes.

Mr. Vaughan obtained leave to introduce a joint resolution requiring the returning officers of elections to give notice to the electors whether or not they are in favor of biennial sessions, by endorsing on said tickets *biennial*; which was read a first time and ordered to be read a second time. On a call of the House the following members were absent, to wit: Mr. Barton of Tus. and Mr. Tindall.

A bill to be entitled an act to fix the compensation of the judges of the circuit court—Mr. Bridges moved to amend the same by adding thereto an additional section, which was lost—Yeas 19, nays 40.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Davis	McLemore	Watson
Bailey of L.	Coe	Fitzpatrick	McNeill	Weissinger
Benson	Cook	Inge	Tindall	White—19.
Bridges	Coopwood	Martin of Fr.	Walthall	

Those who voted in the negative, are

Mr. Armbrister	Creagh	Head	Martin of Li.	Shotwell
Barton of Mo.	Crenshaw	Hickman	Mead	Sims
Baxter	Delleit	Jones	Morton	Tate
Brandon	Dupuy	King	Neill	Thornton
Brown	Edmondson	Lambert	Oliver	Vaughan
Coalter	Fluker	Lewis	Peyton	Vining
Coleman	Greening	Lyon	Pickens	Warren
Conner	Hallett	Mardis	Saffold	Williams—40

Mr. Bridges moved that the further consideration thereof be indefinitely postponed, which was carried—Yeas 30, nays 29.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Creagh	Hallett	Martin of Fr.	Saffold
Barton of Mo.	Crenshaw	Inge	Martin of Li.	Sims
Bridges	Delleit	Lambert	McLemore	Thornton
Coalter	Fitzpatrick	Lewis	Neill	Tindall
Cook	Fluker	Lyon	Oliver	Warren
Conner	Greening	Mardis	Pickens	Watson

Those who voted in the negative, are

Mr. Armbrister	Brown	Edmondson	McNeill	Vining
Bailey of L.	Coe	Head	Morton	Walthall
Baxter	Coleman	Hickman	Peyton	Weissinger
Benson	Coopwood	Jones	Shotwell	White
Brandon	Davis	King	Tate	Williams
Broadnax	Dupuy	Mead	Vaughan	

Engrossed bills of the following titles, to wit: an act to authorize the county courts of Henry and Dale counties to levy a tax on said counties, for the purposes therein named, and an act for the relief of James Frazier, late tax collector of Franklin county, were severally read the third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence. A bill, to be entitled an act respecting the courts in Mobile county, was laid on the table. Bills of the following titles, to wit: an act to authorize clerks and magistrates to collect costs, in certain cases; an act to authorize the county court of Washington county and commissioners of revenue and roads to levy a special tax for the purpose therein mentioned, and for other purposes; an act to repeal in part and amend an act fixing the seat of justice in Washington county, and for other purposes; and an act establishing schools in the county of Mobile—were severally read a second time, and ordered to be engrossed for a third reading. A bill, to be entitled an act to authorize Green Collier to erect a dam across Flint river, in Madison county, was read a second time.

Mr. Fluker moved to amend the same, by adding thereto an additional section, which was carried. *Ordered*, that the same be engrossed for a third reading.

Engrossed bill from the Senate, to be entitled an act to authorize Joseph Price to erect a mill dam across the Mulberry Fork of the Tuscaloosa river, was read a second time and ordered to be read a third time. Engrossed bill from the Senate, to be entitled an act to alter and amend the several laws now in force in this state, to suppress the evil practice of duelling, was read a second time. Mr. Weissinger moved that the further consideration thereof be indefinitely postponed; which was lost—yeas 20, nays 50.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Armbrister	Coleman	Fluker	Saffold	Warren
Brandon	Conner	Jones	Shotwell	Watson
Bridges	Coopwood	Mardis	Sims	Weissinger
Brown	Creagh	McLemore	Vining	White—20

Those who voted in the negative, are

Mr. Bailey of L.	Coe	Greening	Lyon	Pickens
Barton of Mo.	Cook	Hallett	Martin of Fr.	Tate
Barton of Tus	Crenshaw	Heard	Mead	Thornton
Baylor	Davis	Hickman	McNeill	Tindall
Baxter	Deilett	Inge	Morton	Vaughan
Benson	Dupuy	King	Neill	Walshall
Broadnax	Edmondson	Lambert	Oliver	Williams, 29
Coalter	Fitzpatrick	Lewis	Peyton	

Mr. Barton of T. moved to amend the same, by striking out of the first section the words "twenty-five," and inserting in lieu thereof "twenty-six;" which was carried. Mr. Coopwood offered the following amendment: *And be it further enacted*, That any person or persons, having heretofore violated any statute of this state in relation to duelling, shall not be liable to any action therefor by indictment or otherwise, in any court of record in this state; and all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed. Which was lost—yeas none, nays 52.

Those who voted in the negative, are

Mr. Bailey of L.	Coleman	Greening	McLemore	Thornton
Barton of Mo.	Conner	Hallett	McNeill	Tindall
Barton of T.	Coopwood	Heard	Morton	Vaughan
Baylor	Creagh	Hickman	Neill	Vining
Baxter	Crenshaw	Inge	Oliver	Walshall
Benson	Davis	Jones King	Peyton	Warren
Brandon	Dupuy	Lewis	Saffold	Watson
Broadnax	Edmondson	Mardis	Shotwell	Weissinger
Brown	Fitzpatrick	Martin of Fr.	Sims	White
Coalter	Coe	Fluker	Tate	Williams—3

Ordered, that the same be read a third time. The House adjourned till to-morrow morning nine o'clock.

Saturday, December 31, 1825.

Mr. Hallett from the committee on accounts to whom was referred the petition of Wm. Kelly, esq. praying compensation for professional services rendered as counsel in behalf of this state in the supreme court of the U. S. in relation to the several cases of African slaves, imported in the schooners Constitution, Merino and Louisa, reported that by an act passed at the last session of the general assembly, the Governor is authorized to allow such counsel as may have been employed in the cases aforesaid, such compensation as may be just and reasonable payable out of the proceeds of the slaves condemned, and ask leave to be discharged from the further consideration of the same; which was agreed to.

Mr. Hallett from the committee on accounts to whom was referred the account of Thomas Murray, esq. claiming compensation for services rendered as counsel in the United States district court at Mobile, in relation to the several cases of

African slaves, imported in the schooners Constitution, Merino, and Louisa, reported that the Governor is authorized by the act of the last session of the general assembly, to pay the said account, or so much thereof as he may deem just and reasonable, payable out of the funds of the slaves condemned, and ask leave to be discharged from the further consideration of the same, which was agreed to.

Mr. Hallett from the committee on accounts to whom was referred so much of the Governor's message as relates to the unsettled accounts between this state and the state of Mississippi, reported a joint resolution authorizing the Governor to appoint commissioners to adjust the unsettled accounts between this state and the state of Mississippi, which was read a first time and ordered to be read a 2d time.

Mr. Hallett from the committee on accounts to whom was referred the account of John Thompson of Lauderdale county, and Pallas Neely of Franklin county, reported that the said accounts ought not to be paid out of the state treasury, in which report the House concurred.

Mr. Greening from the military committee to whom was referred a resolution instructing them to inquire into the propriety of changing the manner of electing brigadier-generals, ask leave to be discharged from the further consideration of the subject, which was agreed to.

Mr. Greening from the military committee to whom was referred sundry resolutions of this House, reported a bill to be entitled an act to provide for the trial of officers in the militia of this state, and for other purposes, which was read a first time and ordered to be read a 2d time.

Mr. Baylor from the committee on roads, bridges and ferries to whom was referred the petition of sundry inhabitants of Marion county, reported a bill to be entitled an act to authorize Wm. H. Ragsdale and his associates to turnpike a road therein specified, which was read a first time and ordered to be read a 2d time.

Mr. Baylor, from the committee on roads, bridges, and ferries, to whom was referred the petition of sundry inhabitants of Mobile and Baldwin counties, reported that they ask leave to be discharged from the further consideration of the same, which was agreed to.

Mr. Baylor obtained leave to introduce a bill, to be entitled an act to regulate proceedings in the trial of criminal cases, which was read a first time, and the question being put, shall this bill be read a second time, it was determined in the negative.

A message was received from his excellency the governor, by James I. Thornton, secretary of state: *Mr. Speaker*, I am instructed by the governor to inform your honorable body, that he did this day approve and sign an act to authorize the appointment of a clerk of the supreme court, and for other purposes, which originated in this House. And then he withdrew.

Engrossed bills of the following titles, to wit: An act to regulate the navigation of certain rivers in this state by steam boats; An act to legalize the several official acts of the coroner of Decatur county of this state; An act to incorporate the town of Pickens, in Pickens county; An act to authorize the raising by lottery a sum of money for the purposes therein specified; were severally read a second time, and ordered to be engrossed for a third reading. A bill to be entitled an act to provide for the removal of the bank of the state of Alabama, was laid on the table.

Mr. Barton, of Tus. from the select committee, to whom was referred a bill to be entitled an act to suppress vice and immorality, reported in lieu thereof a bill to be entitled an act the more effectually to secure the free and impartial exercise of the elective franchise. Mr. Coalter moved that the further consideration thereof be postponed till the first day of June next, which was lost. Yeas 29, nays 40.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Coalter	Inge	Neill	Tindall
Baxter	Creagh	Lyon	Oliver	Vaughan
Bridges	Crenshaw	Mardis	Pickens	Warren
Brown	Heard	Moore	Lewis	Williams

Those who voted in the negative, are

Mr. Speaker	Coleman	Fluker	Martin of La.	Tate
Bailey of La.	Cook	Greening	Martin of Fr.	Thornton
Barton of Mo.	Conner	Hallett	Mead	Vining
Barton of T.	Coopwood	Hickman	McLemore	Walthall
Baylor	Davis	Jones	Morton	Watson
Benson	Dupuy	King	Peyton	Weissinger
Brandon	Edmondson	Lambert	Saffold	White
Broadnax	Fitzpatrick	Lewis	Shawwell	

Said bill was then read a second time, and ordered to be engrossed for a third reading. The House adjourned for one hour.

Evening Session Bills of the following titles, to wit: An act to locate permanently the seat of justice in the county of Shelby; An act for the relief of the Mobile and Tombigbee banks against certain penalties, heretofore incurred; An act supplementary to the several acts regulating taverns, and to restrain tippling houses; An act to amend an act to appoint commissioners to lay out two roads leading from the ford of Line creek, the one to Coffeeville, the other to Tuscaloosa, passed, Dec. 31, 1822; An act to incorporate Milton academy, in the town of Montgomery, and to empower the trustees thereof to raise a sum of money by lottery; An act for the settlement and relief of free negro children; An act declaring Pine Barren creek, in Wilcox county, a public highway; were severally read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, to be entitled an act to authorize Joseph Price to erect a mill dam across the Mulberry Fork of the Tuscaloosa river, was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith. Engrossed bill from the Senate, to be entitled an act to alter and amend the several laws now in force in this state, to suppress the evil practice of duelling, was laid on the table. Engrossed bills of the following titles, to wit: an act to authorize clerks and magistrates to collect costs, in certain cases; an act to prevent sheriffs, coroners and constables from purchasing property at their own sales, and for other purposes; an act to authorize the judge of the county court of Washington county and commissioners of revenue and roads to levy a special tax for the purpose therein mentioned, and for other purposes; and an act establishing schools in the county of Mobile—were severally read a third time and passed. *Ordered*, that the titles be changed from that of bills to that of acts. *Ordered*, that the same be sent to the Senate for their concurrence. Engrossed bill, to be entitled an act to repeal in part and amend an act entitled an act to fix the permanent seat of justice and levy a tax to build a court house and jail in Washington county, passed, December 23, 1815, was read a third time and passed. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for their concurrence. Engrossed bill, to be entitled an act to authorize Green Collier to erect a dam across Flint river, in Madison county. Mr. Vining moved to amend the same, by adding to the title of the bill "and for other purposes,"—was read a third time and passed.

ed. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Martin of P. obtained leave to introduce a bill to be entitled an act to incorporate the trustees of Tusculumbia academy in Franklin county, which was read a first time and ordered to be read a 2d time.

Engrossed bill from the Senate to be entitled an act providing for the removal of certain public offices to the town of Tuscaloosa, was read a 2d time and ordered to be read a 3d time.

Mr. Moore obtained leave to introduce a joint resolution, proposing commissioners to be appointed to report an eligible situation for the location of the University of the state of Alabama, which was read a first time and ordered to be read a 2d time.

A message from the Senate by *Mr. Lyon*, their secretary: *Mr. Speaker*, the Senate concur in the amendments made by your honorable body to the bill entitled an act the better to organize the militia of the counties of Covington and Dale: They have read three times and passed a bill which originated in their House, entitled an act to alter the times of holding company courts martial, in which they desire your concurrence. They concur in the amendment made by your honorable body to the bill entitled an act to amend the charter of the Bank of the state of Alabama. And then he withdrew.

Engrossed bill to be entitled an act to divorce Deborah Dixon from her husband Samuel Dixon, was read a third time and the question being put, Shall this bill pass? it was decided in the affirmative, there being a constitutional majority voting in favor of its passage.

Those who voted in the affirmative, are

Mr. Speaker	Broadnax	Fitzpatrick	Mardis	Sims
Amester	Brown	Greening	Martin of Fr.	Thornton
Barry of La.	Coalter	Hilleit	Martin of La.	Tindall
Barton of Mo.	Coe	Hickman	Mead	Vining
Barton of T.	Cock	Inge	McNeill	Walthall
Baylor	Conner	King	Neill	Warren
Baxter	Davis	Lambert	Oliver	Weissinger
Benson	Deputy	Lewis	Peyton	White
Brandon	Edmondson	Lyon	Saffold	Williams—15

Those who voted in the negative, are *Mr. Crenshaw*, *Shotwell* and *Watson*—3.

Mr. Heard from the committee on enrolled bills, reported that they had examined and found correctly enrolled a bill of the following title, to wit: An act for the relief of *Hiram Shortridge*.

Engrossed bill from the Senate to be entitled an act to alter the times of holding company courts martial, was read a first time and ordered to be read a 2d time.

Bills of the following titles, to wit: An act to provide for and remedy defects in proceedings before justices of the peace: and An act better to secure the rights of the citizens of this state, were severally read a 2d time and referred to the judiciary committee.

The House adjourned till Monday morning 10 o'clock.

Monday, Jan. 2, 1826.

Mr. Barton of T. from the committee on ways and means to whom was referred a resolution instructing them to inquire into the expediency of adopting some effectual mode for the recovery of the property heretofore escheated to the state, and of all other property or debts to which the state is entitled, reported a bill to be entitled an act amend-

copy of an act entitled an act to regulate escheators in this state and to appoint escheators, which was read a first time and ordered to be read a 2d time. Mr. Barton of T. from the committee on ways and means to whom was referred the petition of the stockholders of the Bank of Mobile, praying in part a reduction of the taxes on the stock of said Bank, reported that the prayer of the petitioners is unreasonable and ought not to be granted. in which report the House concurred.

Mr. Barton of T. from the committee on ways and means, to whom was referred a resolution instructing them to inquire into the expediency of passing a law exempting persons from paying tax for any slave or slaves, when such slaves are unable, from any natural deformity, disease or accident, to do sufficiency of labor to support themselves; also, to inquire into the expediency of exempting from taxation all white males who are disabled, from the aforesaid causes, so as to prevent them doing the ordinary or necessary labor to support, reported a bill, to be entitled an act to exempt certain persons, therein described, from taxation: which was read a first time, & ordered to be read a 2d time.

Mr. Barton of T. from the committee on ways and means, to whom was referred a resolution, instructing them to inquire into the expediency of providing more ample and sufficient remedies against delinquent tax collectors and others, charged with the collection and disbursement of public monies, and their securities, reported a bill, to be entitled an act for the collection of monies due the state, and other purposes, and an act supplementary thereto: which was read a first time, and ordered to be read a second time.

Mr. Hallett, from the committee on accounts, to whom was referred the account of William D. Stone, sheriff of Mobile county, for provisions furnished certain prisoners in the jail of said county, reported, that said account is not authenticated according to the mode prescribed by law, and ask leave to be discharged from the further consideration thereof: which was agreed to.

Mr. Hallett, from the committee on accounts, to whom was referred the accounts of Mark Shelton and Abner Rose, sen. for services rendered as bailiffs of the circuit court of Lapidere county, at April and October terms, during the present year, reported, that said accounts are legally chargeable upon the county treasury, and ask leave to be discharged from the further consideration thereof: which was agreed to.

Mr. Hallett from the same committee to whom was referred the account of Micajah Stanley, jailor of Conecuh Co. for provisions furnished Jacob Wages, a prisoner in the jail of said county, reported that said account is not authenticated according to the mode prescribed by law, and ask leave to be discharged from the further consideration thereof: which was agreed to.

Mr. Barton of M. from the select committee, to whom was referred so much of the Governor's annual communication as relates to the Salt Springs, granted to this state by the United States, ask leave to make the following report: By the second clause of the sixth section of an act of the Congress of the United States, entitled "an act to enable the people of the Alabama Territory to form a constitution and state government and for the admission of such state into the Union on an equal footing with the original states," passed, March 3, 1819, it is provided, "that all Salt Springs within the said territory, and the lands reserved for the use of the same, together with such other lands as may, by the President of the United States, be deemed necessary and proper for working the said Salt Springs, not exceeding, in the whole, the quantity contained in 36 entire sections, shall be granted to the said state, for the use of the people of said state,

to be used under such terms, conditions and regulations, as the legislature of the said state shall direct: *Provided*, the said legislature shall never sell or lease the same for a longer term than ten years, at any one time." And by an act of the general assembly of this state, entitled "an to lease certain Salt Springs," passed, December 17, 1819, the Governor is authorized to appoint a fit and proper person to lease the Salt Springs and lands granted by the United States to this state, for a term not exceeding that stipulated in the act by which the same were granted, on such terms as will ensure the working the said Springs most extensively and most advantageously to the state. In discharging the duty assigned them by the House, your committee have endeavored to ascertain what Salt Springs have been discovered within the state, and what reservations have been made, under the aforesaid act of Congress, for the use of the same. They find by the records of the executive department, that certain Salt Springs, situated in Monroe and Clarke counties, between the Tombeckbee and Alabama rivers, have been taken possession of by the state; but the files of that office afford no information, whatever, as to the quantity of land, (if any,) which has been actually reserved, under the authority of the aforesaid act of Congress. They also find that, under the above mentioned act of the general assembly, Jesse Brene, esq. was, on the 4th of December, 1821, appointed, by the executive, as the agent of the state, to lease certain Salt Springs, belonging to the state, and lying between the Tombeckbee and Alabama rivers; and that, in pursuance of instructions from the Governor, as the said agent, reports, he proceeded, early in the year 1822, to advertise for proposals for leasing the said Springs; that, on the 5th of April, 1822, a contract was entered into, by the agent, with Edward G. Terrell, to go into operation on or before of the 1st of July, 1823, which contract was forfeited by Mr. Terrell; that no further offer was made to lease the said Springs, until within the present year; that, during the last spring, proposals were made by Seth Hunt of New York, with whom a contract was concluded by the agent on the 13th of May—by the terms of which, Mr. Hunt is to receive possession of all the Salt Springs and water, with the lands reserved to the state of Alabama by the United States, for the support of salt works in the counties of Clarke and Monroe, for the term of ten years, and agreed on his part that, on or before the 1st of January, 1826, salt works should be in operation in some part of said lands, and should be kept in operation the remainder of the term, so as to produce, in each and every year, from the day last aforesaid, *sic* *hundred thousand bushels of Salt*; which is to be sold at a price not exceeding *seventy-five cents for every fifty pounds*, and if sold by Mr. Hunt at any other place within the limits of the state, there is to be no greater addition of price than the cost of transportation from the works. The buildings to be kept in repair, and possession rendered to the authorized agent of the state at the end of the term, or when the contract may be forfeited. No waste is to be committed; and, upon the failure of Mr. Hunt to perform any part of his agreement, the lease expires. (*See the agent's report.*)

In fulfilling the injunctions of the law, the executive appears to have been governed by two very important and highly beneficial considerations, to wit: 1st. To ensure the manufacture of the greatest quantity of salt, within the term of the lease; and 2dly. That it be sold at a reasonable price. The committee have learnt, with much satisfaction, that Mr. Hunt has recently arrived with all necessary means for carrying his contract into effect; and that there is a fair prospect of the establishment being rendered, under judicious management, a fruitful source of public and private benefit to the state. Approving the measures, (as far as they go,) which have been adopted by the executive, in relation to this interest, your committee recommend the adoption of the following resolution, and ask leave to be discharged from the further consideration of the subject: *Resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened*, That the Governor be, and he is hereby, authorized to take the requisite measures for obtaining a reservation of such lands as

may be necessary and proper for working the Salt Springs, granted to this state by the United States. In which report the House concurred.

Mr. Lyon obtained leave to introduce a bill to be entitled an act for the relief of Jesse Grimes; which was read a first time and ordered to be read a second time.

Engrossed bill, to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Lauderdale county to levy a tax for the purposes therein specified, was read a 3d time. Mr. Coalter moved to amend the same by way of engrossed rider, which was carried, and passed. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate, by Mr. Lyon, their secretary:—*Mr. Speaker*, the Senate have read three times and passed a bill, which originated in their House, entitled an act giving additional compensation to the solicitor of the first judicial circuit in which they desire your concurrence. They have also passed a bill, which originated in the House of Representatives, entitled an act for the relief of Henry Fountain. And then he withdrew.

Mr. Brandon obtained leave to introduce a bill, to be entitled an act to authorize an information, in the nature of a quo warranto, to be filed against the Indian creek navigation company; which was read a first time, and the rule, requiring bills to be read on three several days, being dispensed with, 4-fifths of the members voting in the affirmative, it was read a 2d time forthwith, and referred to the judiciary committee.

Mr. Lewis obtained leave to introduce a bill, to be entitled an act to compel those making surveys in this state to enclose their works—which was read a first time and ordered to be read a second time.

A bill to be entitled an act for the relief of purchasers of lots in the town of Cahawba, was taken up and laid on the table. Engrossed bill from the Senate to be entitled an act giving additional compensation to the solicitor of the first judicial circuit, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a second time forthwith and referred to the judiciary committee. A bill to be entitled an act to establish a 7th judicial circuit, was taken up and postponed until to-morrow. A bill to be entitled an act for the relief of Lewis Houser, was taken up and laid on the table. Engrossed bill to be entitled an act for the settlement and relief of free negro children, was read a third time—Mr. Baxter moved to amend the same by way of engrossed rider, which was carried—Mr. Benson moved to amend the title by the words *and for other purposes*, and passed. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for concurrence. Engrossed bill to be entitled an act regulating the mode of emancipating slaves, was read a third time and passed. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the senate for concurrence.

Mr. Hallett from the select committee to whom was referred a bill to be entitled an act to repeal an act entitled an act the more effectually to ensure the testimony of absent witnesses by interrogatories, reported the same to this House without amendment. Said bill was taken up and read a second time, and the question being put, shall the

bill be engrossed and read a third time? it was determined in the affirmative—Yeas 32, nays 27.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brown	Dellett	Hickman	Moore
Bailey of La.	Coalter	Dupuy	Lambert	Morton
Baylor	Cook Creagh	Edmondson	Lewis Lyon	Tate
Baxter	Coopwood	Fluker	Martin of La.	Thornton
Benson	Crenshaw	Greening	Martin of Ft.	Tindall
Brandon	Davis	Heard	Mead	Vining—32

Those who voted in the negative, are

Mr. Armbrister	Conner	McLemore	Saffold	Warren
Bailey of Mt.	Fitzpatrick	McNeill	Shotwell	Watson
Barton of Tus	Hallett	Oliver	Sims	Weissinger
Bridges Coe	Inge Jones	Peyton	Vaughan	White
Coleman	King	Pickens	Walshall	Williams—27.

Engrossed bill to be entitled an act for the relief of the Mobile and Tombigbee banks against certain penalties heretofore incurred, was read a third time and passed. *Ordered*, that the title be changed from that of a bill to that of an act. *Ordered*, that the same be sent to the Senate for concurrence. And then the House adjourned for one hour.

Evening Session. Engrossed bills of the following titles, to wit:—An act supplementary to the several acts regulating taverns and to restrain tippling houses; an act declaring Pine Barren creek in Wilcox county a public highway; an act to incorporate Milton Academy and to empower the trustees of the same to raise a lottery or lotteries; an act to regulate the navigation of certain rivers in this state by steam boats; an act to authorize the raising by lottery a sum of money for the purposes therein specified; an act to legalize the several official acts of the coroner of Decatur county in this state; an act to amend an act entitled an act to appoint commissioners to lay out two roads leading from the ford of Line Creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec. 31, 1822; an act to incorporate the town of Pickens in the county of Pickens; and, an act to locate permanently the seat of justice in the county of Shelby, were severally read the 3d time & passed. *Ordered* that the titles be changed from that of bills to that of acts. *Ordered*, that the same be sent to the Senate for concurrence.

The House took up a resolution proposing sundry amendments to the constitution of the state of Alabama, which was read a second time and ordered to be engrossed for a third reading.

Mr. Warren presented the account of Pleasant Wright, jailer of Greene Co. which was read and referred to the committee on accounts.

Mr. Barton of Mo. presented the account of Ebenezer Johnson, coroner of Mobile county; which was read and referred to the committee on accounts.

A message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed bills and a joint resolution which originated in their house, entitled an act concerning justices of the peace and constables of Greene; and resolutions instructing our Senators and requesting our Representatives in Congress to use their best endeavors to procure the passage of a law to reduce the price of the public lands after they have been offered at public auction; and also to use their best endeavors to procure for this state the lands to which the Indian title was extinguished by the treaty of the Indian Springs, and to prevent the settlement of the Indians, heretofore residing in Georgia, within the limits of this state; in which they desire your concurrence. They have also

read three times and passed bills and joint resolutions which originated in the House of Representatives, entitled an act to incorporate the trustees of La Fayette Academy in the village of La Grange; an act to extend the corporate limits of the town of Moulton, and for other purposes; a joint resolution relating to the boundary line between the state of Alabama and the state of Georgia; and a joint resolution memorializing Congress in relation to certain public works therein named. And then he withdrew.

Engrossed bills from the Senate of the following titles, to wit: An act concerning justices of the peace and constables in mobile county; and An act to alter the time of holding the county courts of the county of Greene, were severally read a first time and ordered to be read a 2d time. Engrossed resolutions, from the Senate, instructing our Senators and requesting our Representatives in Congress to use their best endeavors to procure the passage of a law to reduce the price of the public lands, after they have been offered at public auction, &c. was read a first time; *Mr. Davis* moved that the further consideration thereof be indefinitely postponed, which was lost—Yeas 2, nays 58.

The yeas and nays being called for, those who voted in the affirmative, are *Mr. Davis and Tindall*—2.

Those who voted in the negative, are

<i>Mr. Speaker,</i>	<i>Brown</i>	<i>Flicker</i>	<i>Martin of La.</i>	<i>Sims</i>	<i>Tate</i>
<i>Armbrister</i>	<i>Coalter</i>	<i>Coe</i>	<i>Greening</i>	<i>Mead</i>	<i>Thornton</i>
<i>Bailey of La.</i>	<i>Coleman</i>	<i>Hallett</i>	<i>McLemore</i>	<i>Vaughan</i>	
<i>Bailey of Mt.</i>	<i>Conner</i>	<i>Heard</i>	<i>McNeill</i>	<i>Vining</i>	
<i>Barton of Mo.</i>	<i>Coopwood</i>	<i>Hickman</i>	<i>Moore</i>	<i>Walthall</i>	
<i>Barton of Tus</i>	<i>Creagh</i>	<i>Inge</i>	<i>Jones</i>	<i>Morton</i>	<i>Warren</i>
<i>Baylor</i>	<i>Crenshaw</i>	<i>King</i>	<i>Lewis</i>	<i>Oliver</i>	<i>Watson</i>
<i>Baxter</i>	<i>Dellett</i>	<i>Lambert</i>	<i>Peyton</i>		<i>Weissinger</i>
<i>Benson</i>	<i>Dupuy</i>	<i>Lyon</i>	<i>Pickens</i>		<i>White</i>
<i>Brandon</i>	<i>Edmondson</i>	<i>Mendis</i>	<i>Saffold</i>		<i>Williams</i> —58
<i>Broadnax</i>	<i>Fitzpatrick</i>	<i>Martin of Fr.</i>	<i>Shotwell</i>		

And the rule requiring bills to be read on three several days being dispensed with four-fifths of the members present voting in the affirmative, it was read a second time forthwith and referred to a select committee, consisting of *messrs. Greening, Barton of Mobile and Benson.*

Engrossed bill to be entitled an act the more effectually to secure the free and impartial exercise of the elective franchise, was read a 3d time, and the question being put, shall this bill pass? it was determined in the affirmative: yeas 55, nays 26.

The yeas and nays being called for, those who voted in the affirmative, are

<i>Mr. Speaker</i>	<i>Brandon</i>	<i>Hallett</i>	<i>Martin of La.</i>	<i>Shotwell</i>	
<i>Bailey of L.</i>	<i>Coleman</i>	<i>Hickman</i>	<i>Mead</i>	<i>Thornton</i>	
<i>Barton of Mo</i>	<i>Conner</i>	<i>Jones</i>	<i>McLemore</i>	<i>Vining</i>	
<i>Barton of T.</i>	<i>Davis</i>	<i>King</i>	<i>McNeill</i>	<i>Walthall</i>	
<i>Baylor</i>	<i>Dupuy</i>	<i>Lambert</i>	<i>Morton</i>	<i>Watson</i>	
<i>Benson</i>	<i>Edmondson</i>	<i>Lewis</i>	<i>Peyton</i>	<i>Weissinger</i>	
<i>Broadnax</i>	<i>Fitzpatrick</i>	<i>Martin of F.</i>	<i>Saffold</i>	<i>White</i>	35

Those who voted in the negative, are

<i>Mr. Armbrister</i>	<i>Coalter</i>	<i>Dellett</i>	<i>Lyon</i>	<i>Sims</i>	
<i>Bailey of Mt.</i>	<i>Coe</i>	<i>Cook</i>	<i>Fluker</i>	<i>Mendis</i>	<i>Tate</i>
<i>Baxter</i>	<i>Coopwood</i>	<i>Greening</i>	<i>Moore</i>	<i>Vaughan</i>	
<i>Bridges</i>	<i>Creagh</i>	<i>Heard</i>	<i>Oliver</i>	<i>Warren</i>	
<i>Brown</i>	<i>Crenshaw</i>	<i>Inge</i>	<i>Pickens</i>	<i>Williams</i> —26	

Ordered, that the title be changed from that of a bill to that of an act. Ordered, that the same be sent to the Senate for concurrence.

Engrossed bill from the Senate to be entitled an act to alter and amend the several laws now in force in this state to suppress the evil practice of duelling,

was read a third time, and the question being put, shall the bill pass? it was determined in the affirmative—Yeas 38, nays 23.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mt.	Coe	Greening	Martin of F.	Tate
Bailey of La.	Cook	Hallett	Martin of La.	Thornton
Barton of Mo.	Crenshaw	Heard	Mead	Tindall
Barton of Tu.	Davis	Hickman	McNeill	Vaughan
Benson	Dellett	Inge	Moore	Walthall
Broadnax	Dupuy	Lambert	Morton	Williams SS
Brown	Edmondson	Lewis	Oliver	
Coalter	Fitzpatrick	Lyon	Peyton	

Those who voted in the negative, are

Mr. Speaker	Bridges	Creagh	Pickens	Watson
Armbrister	Coleman	Fluker Jones	Saffold Sims	Wetzsinger
Baxter	Conner	Mardis King	Shotwell	White
Brandon	Coopwood	McLemore	Warren	Vining—25.

Ordered that the clerk acquaint the Senate therewith.

A message from the Senate by Mr. Lyon, their secretary: Mr. Speaker, the Senate insist upon their disagreement to the amendment made by your honorable body to the memorial to the Congress of the United States, praying further relief to the purchasers of public lands. And then he withdrew.

Mr. Morton moved that the House recede from their amendment to a memorial from the Senate, of the Senate and House of Representatives in General Assembly convened, to the Congress of the United States, praying further relief to the purchasers of public lands; which was lost—Yeas 16, nays 45.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of L.	Coalter	Crenshaw	Inge Moore	Oliver
Bailey of Mt.	Conner	Dellett	Mead	Tate
Barton of T.	Creagh	Hickman	Morton	Thornton 10

Those who voted in the negative, are

Mr. Speaker	Brown	Fluker	Martin of La.	Thornton
Armbrister	Coe	Greening	Martin of Fr.	Vaughan
Barton of Mo.	Coleman	Hallett	McLemore	Vining
Baylor	Cook	Lambert	McNeill	Walthall
Baxter	Coopwood	Heard	Peyton	Warren
Benson	Davis	Jones	Pickens	Watson
Brandon	Dupuy	King	Saffold	Weissinger
Bridges	Edmondson	Lewis	Shotwell	White
Broadnax	Fitzpatrick	Mardis	Sims	Williams, 45.

Mr. Morton moved that a committee of conference be appointed on the part of this House to act with such committee as may be appointed on the part of the Senate, as to the disagreement between the two Houses on the subject of the amendment made by this House to said memorial: whereupon Messrs. Greening, Vining and Davis were appointed said committee.

On motion of Mr. Barton of T. the House proceeded to the election of a select committee on the part of this House, to act with such committee as may be elected on the part of the Senate, for the purpose of examining the affairs of the Bank of the state of Alabama, whereupon Messrs. Greening, Dellett and Hallett were elected said committee.

Mr. Martin of F. presented the account of Benj. Hudson, which was read and referred to the committee on accounts.

Mr. Hallett presented the account of B. B. Breedin for services rendered as judge advocate of a court martial, which was read and referred to the committee on accounts. A bill to be entitled an act to alter the mode of appointing assessors and tax-collectors, was read a 2d time.

Mr. Morton moved that the further consideration thereof be inde-

nitely postponed, which was lost—yeas 30, nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Baxter	Dellett	Lambert	Oliver
Armbrister	Coalter	Edmondson	Lewis	Pickens
Bailey of L.	Coe	Fluker	Mardis	Tate
Barton of Mo.	Conner	Hallett	Mead	Thornton
Barton of Tus.	Creagh	Hickman	Moore	Tindall
Baylor	Crenshaw	Inge	Morton	Williams—30.

Those who voted in the negative, are

Mr. Bailey of M.	Coleman	Greening	McNeill	Vining
Benson	Cook	Heard	Peyton	Walthall
Brandon	Coopwood	Jones King	Saffold	Warren
Bridges	Davis	Martin of Fr.	Shotwell	Watson
Broadnax	Dupuy	Martin of La.	Sims	Weissinger
Brown	Fitzpatrick	McLemore	Vaughan	White 31

Mr. Dellett moved that the further consideration of the same be postponed until tomorrow, which was carried. Mr. Mead moved that this House adjourn till 10 o'clock tomorrow morning, which was lost. Yeas 23, nays 38.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Bailey of L.	Creagh	Hallett	Mead	Thornton
Barton of Mo.	Crenshaw	Heard	Moore	Tindall
Barton of T.	Dellett	Inge	Oliver	Vaughan
Baylor	Fluker	Lambert	Peyton	
Conner	Greening	Lewis	Tate	

Those who voted in the negative, are

Mr. Speaker	Brown	Edmondson	McLemore	Walthall
Armbrister	Coalter	Fitzpatrick	McNeill	Warren
Bailey of M.	Coe	Hickman	Morton	Watson
Baxter	Coleman	Jones	Pickens	Weissinger
Benson	Cook	King	Saffold	White
Brandon	Coopwood	Mardis	Shotwell	Williams
Bridges	Davis	Martin of Fr.	Sims	
Broadnax	Dupuy	Martin of La.	Vining	

Mr. Morton moved that the House adjourn till 7 o'clock this evening; which was lost. Yeas 19, nays 40.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Armbrister	Brown	Fitzpatrick	Mardis	Tate
Bailey of L.	Coe	Fluker	Moore	Thornton
Baxter	Crenshaw	Hickman	Morton	Tindall
Broadnax	Edmondson	Inge	Oliver	

Those who voted in the negative, are

Mr. Speaker	Coalter	Greening	Martin of La.	Vaughan
Bailey of M.	Coleman	Hallett	McLemore	Vining
Barton of Mo.	Cook	Heard	McNeill	Walthall
Barton of Tus.	Conner	Jones	Peyton	Warren
Baylor	Coopwood	King	Pickens	Watson
Benson	Creagh	Lambert	Saffold	Weissinger
Brandon	Davis	Lewis	Shotwell	White
Bridges	Dupuy	Martin of Fr.	Sims	Williams

Mr. Barton of M. presented the petition of Maximilien Dubroca; which was read and referred to the judiciary committee.

On motion of Mr. Martin of La. it was resolved, that the judiciary committee be instructed to inquire into the expediency of passing a law making it the duty of the judges of the circuit courts in this state to hold intermediate terms of the circuit courts, with power to appoint some other judge to hold such intermediate term, and otherwise to regulate their interchange of sittings, and that said committee report by bill or otherwise. The House adj'd till tomorrow morning 9 o'clock.

Tuesday, January 3, 1826. Mr. Brandon presented the petition of sundry inhabitants of Madison county, praying the repeal of the act to incorporate the Indian creek navigation company, passed in the year 1820; which was read and referred to the judiciary committee.

Mr. Barton of Tusc. from the committee on ways and means to whom was referred a bill to be entitled an act making appropriations for the year 1826, reported the same with the following amendment: by striking out the 3d, 4th and 5th sections, and insert in lieu thereof the following sections, to wit: "Sec. 3. And be it further enacted, that the sum of twenty five dollars, be allowed to their secretary of the Senate, in full for his services in completing the journals and arranging the papers of the Senate. Sec. 4. And be it further enacted, that the sum of twenty-five dollars be allowed the clerk of the House of Representatives, in full for his services in completing the journals and arranging the papers of the House of Representatives. Sec 5. And be it further enacted, that the sum of three hundred dollars be appropriated as compensation to the secretary of state, for copying and making an index to the laws; for copying the journals of each House of the General Assembly, for the present session; preparing the whole for the press and superintending the printing of the same.

Mr. Barton of T. moved that the House concur with the report. A division of the question being called for, the question was first taken on striking out the 3d and 4th sections in said bill, which was determined in the affirmative. Yeas 44, nays 6.

The yeas and nays being called, for those who voted in the affirmative, are

Mr. Speaker	Brown	Edmondson	M'Lemore	Tate
Bailey of L.	Coleman	Heard	M'Neill	Tindall
Barton of T.	Cook	Fitzpatrick	Moore	Walthall
Baylor	Conner	Jage	Morton	Warren
Baxter	Coopwood	Jones	Oliver	Watson
Benson	Creagh	Mardis	Peyton	Weissinger
Brandon	Davis	Martin of Fr.	Pickens	White
Bridges	Dellest	Martin of Li.	Shotwell	Williams, 44.
Broadnax	Dupuy	Mead	Sims	

Those who voted in the negative, are

Mr. Ambrister, Crenshaw, Hallett, King, Lambert, Viuing—6.

The question was then taken on inserting in lieu thereof, the 3d and 4th section proposed by said committee, which was carried.

Mr. Barton, from the committee, then moved, that the House concur in the report of the committee, in striking out the 5th sec. of said bill & inserting in lieu thereof the 5th sec. as reported by the com. A division of the question being called for, the question was 1st taken on striking out, which was carried. The question was then taken on inserting the substitute reported by the committee, which was lost. Yeas 30, nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mt.	Broadnax	Crenshaw	Hickman	Morton
Bailey of La.	Coalter	Dellest	Inge	Oliver
Barton of Mo.	Coe	Fluker	Lambert	Tate
Barton of Tus	Cook	Greening	Lewis Lyon	Walthall
Baylor	Conner	Hallett	Mead	Williams—30.
Benson	Creagh	Heard	Moore	

Those who voted in the negative, are

Mr. Speaker	Ambrister	Baxter	Brandon	Bridges
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Brown	Edmondson	Martin of Fr.	Saffold	Vining
Coleman	Fitzpatrick	McLemore	Shotwell	Warren
Coopwood	Jones King	McNeill	Sims	Watson
Davis	Mardis	Peyton	Tindall	Weissinger
Dupuy	Martin of La.	Pickens	Vaughan	White—31

Mr. Barton of Tus. then moved to amend the bill by inserting between the 4th and 6th sections, the following: *Sec. 5. And be it further enacted, that the sum of two hundred and seventy-five dollars, be appropriated as compensation to the secretary of state, for copying the journals of each House of the General Assembly, for the present session, preparing the whole for the press, and superintending the printing of the same, which was determined in the affirmative—yeas 31—nays 29.*

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Bailey of M.	Coalter	Fluker	Lambert	Morton
Barton of Mo.	Coe Cook	Greening	Lewis	Oliver
Barton of T.	Conner	Hallett	Lyon	Sims
Baylor	Creagh	Heard	Mardis	Tate
Benson	Crenshaw	Hickman	Mead	Walthall
Broadnax	Delleit	Inge	Moore	Williams—31

Those who voted in the negative, are

Mr. Speaker	Coleman	Jones	Peyton	Vining
Armbrister	Coopwood	King	Pickens	Warren
Baxter	Davis	Martin of Fr.	Saffold	Watson
Brandon	Dupuy	Martin of La.	Shotwell	Weissinger
Bridges	Edmondson	McLemore	Tindall	White 29
Brown	Fitzpatrick	McNeill	Vaughan	

Said bill was then read a 2d time as amended, and ordered to be engrossed for a 3d reading.

Mr. Hallett from the committee on accounts to whom was referred the petition of George F. Sallee, praying in part that he may be compensated for certain services alleged to have been rendered by him to the state, in the several suits against the Mobile and Tombecbe Banks, at the instance and by request of the solicitor of the first judicial circuit, reported that the committee are not aware of the existence of any law which authorizes the solicitors to employ assistant council; they cannot, therefore, but regard the employment of Mr. Sallee by the solicitor as an individual transaction of the parties, with which the legislature have no rightful concern, and ask leave to be discharged from the further consideration of that part of the petition, which was agreed to.

Mr. Hallett from the committee on accounts to whom was referred the account of John Dean, claiming reimbursement of the sum of \$14, 75, for taxes illegally paid to the collector of Conecuh county, in the year 1822; and also claiming compensation for hauling a case of Alabama Digests from Claiborne to Sparta in the year 1824, reported that there was no evidence before the committee of the correctness of the account aforesaid, and ask leave to be discharged from the further consideration of the same; which was agreed to.

Mr. Delleit, from the judiciary committee, to whom was referred an engrossed bill from the Senate, to be entitled an act to require security upon granting a supersedeas, reported the same without amendment.

A message from his excellency the Governor, by James I. Thornton, secretary of state; which is as follows:

EXECUTIVE DEPARTMENT, JANUARY 3, 1826.

To the Hon. the Speaker and Members of the House of Representatives:

GENTLEMEN—I have the honor to transmit you a resolution passed by the legislature of the state of Tennessee, during their present session, proposing an amendment to the Constitution of the United States.

I am, very respectfully, your most ob't. &c. JOHN MURPHY.

And then he withdrew.—Which said message, and accompanying documents, were referred to the select committee, to whom was referred that part of the Governor's message as relates to the altering the mode of electing the chief magistrate of the nation, and that 130 copies be printed for the use of this House.

Mr. Baylor, from the committee on roads, bridges, and ferries, to whom was referred the petition of sundry inhabitants of Mobile, Washington, Clarke, Wilcox and Marengo counties, reported a bill to be entitled an act extending relief to certain citizens whose property has been taken for public purposes; which was read a first time, and ordered to be read a second time.

Engrossed resolution proposing certain amendments to the Constitution of the State of Alabama: Mr. Barton of T. moved that the further consideration thereof be indefinitely postponed; which was lost—yeas 15, nays 47.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Conner	Fluker	Mardis	Thornton
Barton of T.	Creagh	Inge	Martin of F.	Tindall
Coalter	Delleit	Lewis	Moore	Williams—15

Those who voted in the negative, are

Mr. Armbrister	Brown	Greening	McLemore	Tate
Bailey of L.	Coe	Cook	McNeill	Vaughan
Bailey of Mt.	Coleman	Heard	Morton	Vining
Barton of Mo.	Coopwood	Hickman	Oliver	Walthall
Baylor Baxter	Crenshaw	Jones	King	Warren
Benson	Davis	Lambert	Pickens	Watson
Brandon	Dupuy	Lyon	Saffold	Weissinger
Bridges	Edmondson	Martin of La.	Shotwell	White 47
Broadnax	Fitzpatrick	Mead	Sims	

Mr. Baylor moved to fill the blank, where it occurs in the resolution, with the word "seven," so as to read, "the judges of the several courts in this state shall be elected for and during the term of seven years;" which was lost. Mr. Brown then moved to fill the blank with "six" years; which was carried—yeas 44, nays 16.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Bridges	Edmondson	McLemore	Tate
Armbrister	Brown	Fitzpatrick	McNeill	Vaughan
Bailey of L.	Coe	Greening	Morton	Vining
Bailey of Mt.	Coleman	Hallett	Oliver	Walthall
Barton of Mo.	Conner	Heard	Peyton	Warren
Baylor	Coopwood	Hickman	Pickens	Watson
Baxter	Crenshaw	King	Saffold	Weissinger
Benson	Davis	Lambert	Shotwell	White—44
Brandon	Dupuy	Martin of La.	Sims	

Those who voted in the negative, are

Mr. Barton of T.	Creagh	Jones	Mardis	Thornton
Broadnax	Delleit	Lewis	Martin of Fr.	Tindall
Coalter	Fluker	Inge	Mead	Williams—16

And then the House adjourned for one hour.

Evening Session—The House met pursuant to adjournment.

Engrossed resolution proposing certain amendments to the constitution of the state of Alabama. The same was, on motion, ordered to lie on the table for one hour.

On motion, Mr. Coalter, a member of this House, from the county of Lauderdale, obtained leave of absence, from and after tomorrow, during the remainder of this session.

Mr. Mardis, a member of this House, from the county of Shelby, obtained leave of absence from and after Saturday next, during the remainder of this session. A bill to be entitled an act to establish a permanent road from the town of Florence, in the county of Lauder-

dale, to the town of Athens, in the county of Limestone. Mr. Martin, of Laud. moved to amend the said bill, by striking out the name of "Hamilton Kyle," where it occurs in said bill, and insert in lieu thereof the name of "Robert Beaty," which was carried: The bill was then read the second time as amended, and ordered to be engrossed for a third reading. A bill to be entitled an act, to manumit Mary, a woman of colour, the wife of Richmond Richardson, was referred to a select committee, consisting of messrs. Barton of M. Lambert, & Lyon.

Engrossed resolution proposing certain amendments to the constitution of the state of Alabama, was read a third time, and the question being put, shall the resolution pass? it was determined in the negative, there not being a constitutional majority voting in favor of its passage. Yeas 38, nays 25.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Bridges	Dupuy	McLemore	Vining
Bailey of La.	Broadnax	Edmondson	McNeill	Walshall
Bailey of Mt.	Brown	Fitzpatrick	Neill	Warren
Barton of Mo.	Coe	Hiland	Peyton	Watson
Baylor	Coleman	Jones	Saffold	Weissinger
Baxter	Cook	King	Shotwell	White—38.
Benson	Coopwood	Lambert	Sims	
Brandon	Davis	Martin of La.	Vaughan	

Those who voted in the negative, are

Mr. Speaker	Crenshaw	Hickman	Martin of Fr.	Pickens
Barton of T.	Deltett	Juge	Mead	Tate
Coalter	Fluker	Lewis	Moore	Thornton
Comer	Greening	Lyon	Morgan	Tindall
Crough	Hallett	Mardis	Oliver	Williams—25

Mr. Davis then moved that said resolution be spread on the journal, which was carried; which said resolution is as follows: Engrossed resolution proposing certain amendments to the Constitution of the state of Alabama.

Be it resolved by the Senate and House of Representatives of the state of Alabama in General Assembly convened, two-thirds of the House concurring, that the following amendments to the constitution of the state of Alabama be proposed to the people of said state, which when agreed to by a majority of all the citizens of said state voting for representatives, and ratified by two-thirds of both houses of the next general assembly, voting by yeas & nays, shall be valid to all intents and purposes as part of the constitution of the state of Alabama, to wit:—Strike out so much of the 15th section of the 5th article as refers to the election of judges of this state during good behaviour, and insert in lieu thereof "the judges of the several courts in this state be elected for and during the term of six years, and for wilful neglect of duty or other reasonable cause which shall not be sufficient grounds for impeachment, the governor shall remove any of them in the address of two-thirds of each house of the general assembly: provided however, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered in the journals of each house; and provided further, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence before any vote for such address shall pass, and in all such cases the votes shall be taken by yeas and nays, and entered on the journals of each house respectively."

A bill to be entitled an act to alter the mode of appointing assessors and tax-collectors, was read a second time, and the question being put, shall this bill be engrossed and read a 3d time? was determined in the affirmative: yeas 33, nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Broadnax	Fitzpatrick	McNeal	Vining
Bailey of Mt.	Brown	Greening	Neill	Walshall

Baxter	Coleman	Heard	Peyton	Warren
Benson	Cook	Jones	Saffold	Watson
Brandon	Coopwood	Martin of Fr.	Shotwell	Weissinger
Bridges	Davis	McLemore	Vaughan	White

Those who voted in the negative, are

Mr. Speaker	Coe	Fluker	Lyon	Oliver
Bailey of La.	Conner	Hallett	Mardis	Pickens
Barton of Mo.	Creagh	Hickman	Martin of La.	Tate
Barton of Tus.	Crenshaw	Inge	Mead	Thornton
Baylor	Delleit	Lambert	Morton	Tindall
Coalter	Edmondson	Lewis	Moore	Williams

A bill to be entitled an act to establish an office of discount and deposite of the bank of the state of Alabama, was read a second time. Mr. Barton of T. moved to amend the 5th section by adding after the word president, *and directors*, which was carried, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate to be entitled an act providing for the removal of certain public offices to the town of Tuscaloosa, was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith. Engrossed bill from the Senate to be entitled an act providing for the appointment of commissioners to select a quarter section of land for the county of Bibb, and for other purposes, was read a second time. Mr. Watson moved that the further consideration thereof be indefinitely postponed, which was carried: yeas 41, nays 18.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Cook	Fluker	Martin of La.	Pickens
Bailey of La.	Coopwood	Hallett	Mead	Thornton
Baxter	Creagh	Heard	Moore	Vaughan
Brandon	Crenshaw	Hickman	McLemore	Vining
Bridges	Davis	Inge	McNeill	Walthall
Broadnax	Delleit	King	Oliver	Warren
Coalter	Dupuy	Lambert	Peyton	Watson
Coleman	Fitzpatrick	Martin of Fr.	Saffold	White

42

Those who voted in the negative, are

Mr. Speaker	Baylor	Edmondson	Morton	Weissinger
Bailey of M.	Benson	Greening	Shotwell	Williams
Barton of Mo.	Brown	Lewis	Sims	18.
Barton of T.	Conner	Mardis	Tindall	

A message from his excellency the Governor, by J. I. Thornton, esq. secretary of state: *Mr. Speaker*, I am instructed by the Governor to inform your honorable body, that he did, on the second instant, approve and sign an act to compensate county court clerks for paying printers' fees for publishing the appraisal of certain strays, and for other purposes; and an act the more effectually to prevent the trading with slaves, and for other purposes; both of which originated in your honorable body. And then he withdrew.

A bill, to be entitled an act to establish a seventh judicial circuit, was read a second time. Mr. Coopwood moved that the further consideration thereof be indefinitely postponed; which was lost—yeas 29, nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of M.	Brown	Fluker	King	Sims
Bailey of L.	Coe	Greening	Martin of Fr.	Walthall
Barton of Tus.	Conner	Heard	McLemore	Warren
Baxter	Coopwood	Hickman	Moore	Weissinger
Brandon	Crenshaw	Inge	Oliver	Williams—29.
Bridges	Dupuy	Jones	Peyton	

Those who voted in the negative, are

Mr. Speaker	Coalter	Fitzpatrick	Mead	Tate
Armbrister	Coleman	Hallett	McNeill	Tindall

Barton of no.	Cook Creagh	Lambert	Morton	Vaughan
Baylor	Davis	Lewis	Pickens	Vining
Benson	Dellett	Mardis	Saffold	Watson
Broadnax	Edmondson	Martin of La.	Shotwell	White

31

Ordered, that said bill lie on the table.

Engrossed bill, to be entitled an act to divorce certain persons therein named, was read the third time, and recommitted to the committee on divorce and alimony. Engrossed bill, to be entitled an act to repeal an act entitled an act the more effectually to ensure the testimony of absent witnesses by interrogatories, was read a third time. *Mr. Greening* moved to amend the same by way of engrossed rider; which was carried—and the question being put, shall the bill pass? it was determined in the affirmative—yeas 31, nays 29.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Coe	Cook	Edmondson	Lyon	Morton
Baylor	Coopwood	Fluker	Mardis	Tate	
Bailey of L.	Creagh	Heard	Martin of Fr.	Thornton	
Benson	Crenshaw	Hickman	Martin of La.	Tindall	
Brandon	Davis	Lambert	Mead	Vining	
Coalter	Dellett	Lewis	Moore	White	31

Those who voted in the negative, are

Mr. Armbrister	Brown	Hallett	Peyton	Walthall
Bailey of Mt.	Coleman	Inge	Pickens	Warren
Barton of no.	Conner	Jones	Saffold	Watson
Barton of Tus.	Dupuy	King	Shotwell	Weissinger
Bridges	Fitzpatrick	McLemore	Sims	Williams
Broadnax	Greening	McNeill	Vaughan	29

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate, by *Mr. Lyon*, their secretary: *Mr. Speaker*, the Senate have read three times and passed a bill, which originated in their House, entitled an act to incorporate the school commissioners of the fourth township, and eighth range, west from Huntsville, and for other purposes; in which they desire your concurrence. They have also passed a bill, which originated in the Senate, entitled an act making provision for the accommodation of the next general assembly; in which they also desire your concurrence—and then he withdrew.

Mr. Mead, from the committee on divorce and alimony, to whom was referred the engrossed bill to be entitled an act divorcing certain persons therein named, reported the same with sundry amendments; which were concurred in—and then the House adjourned till half past six o'clock this evening.

Evening Session, half past six o'clock.

Mr. White moved that the House adjourn till to-morrow morning 10 o'clock; which was lost—yeas 2, nays 44.

The yeas and nays being called for, those who voted in the affirmative, are Messrs. White and Morton—2. Those who voted in the negative, are

Mr. Speaker	Bridges	Creagh	King	Sims
Armbrister	Broadnax	Crenshaw	Lewis	Tate
Bailey of La.	Brown	Davis	Mardis	Tindall
Bailey of Mt.	Coalter	Dellett	Martin of F.	Vining
Barton of no.	Coe	Dupuy	McLemore	Walthall
Barton of Tu.	Coleman	Fitzpatrick	McNeill	Warren
Baxter	Cook	Hickman	Moore	Watson
Benson	Conner	Inge	Saffold	Weissinger
Brandon	Coopwood	Jones	Shotwell	Williams

44

Engrossed bills from the Senate of the following titles, to wit:—An act making provision for the accommodation of the next General Assembly; an act to incorporate the school commissioners of the fourth

township and 8th range west from Huntsville, and for other purposes, were severally read a 1st time and ordered to be read a 2d time.

Bills of the following titles, to wit:—An act to divorce Louisa M. Trouillett from her husband Pierre L. Trouillett; an act more effectually to prevent Sabbath breaking; an act to repeal in part and amend an act entitled an act for the punishment of malicious mischief; an act to incorporate the trustees of Tuscumbia female academy; an act granting to Geo. Phillips the privilege of a private landing on the reserved lands of the town of Cahawba; an act for the relief of Joshua Winford; an act to incorporate the New-Orleans and Tuscumbia steam boat company; an act to divorce Samuel Payne from his wife Elizabeth Payne; an act to divorce Sarah Wall from James Wall; an act authorizing the citizens of Somerville to elect a justice of the peace; An act to incorporate the Bassett's creek navigation company; An act to amend the several acts now in force respecting the town of Montgomery; An act respecting buoys and other land marks in Mobile bay; An act to alter and amend the act entitled and act to establish the seat of justice in the county of Autauga, passed Nov. 22, 1819; and An act to establish and improve a certain road therein named, were severally read a 2d time and ordered to be engrossed for a 3d reading.

Bills to be entitled an act to amend an act entitled an act to establish the Bank of the state of Alabama; An act for the relief of the tax-collector of Mobile county; and An act further to provide for the punishment of malicious mischief, were severally laid on the table.

The bill to be entitled an act to authorize the transfer of administration and guardianship to any county in this state, was read a 2d time, and referred to the judiciary committee.

A bill to be entitled an act supplemental to an act entitled an act supplemental to an act to authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained, passed Dec. 27, 1823, was read a 2d time, and on the question, shall this bill be engrossed and read a 3d time? was decided in the negative.

A bill to be entitled an act to authorize copies of official bonds to be given in evidence in the several courts of law and equity in this state, was read a 2d time. *Mr. Coulter* moved that the further consideration of said bill be indefinitely postponed, which was carried.

A bill to be entitled an act concerning executors and administrators was read a 2d time. *Mr. Inge* moved that the further consideration of said bill be indefinitely postponed, which was carried.

A bill to be entitled an act to amend the laws now in force in relation to the duties of the county treasurers of this state, was read a 2d time. *Mr. Suffolk* moved that the said bill be amended by adding the following section: *And be it further enacted, that the county treasurer shall receive, from time to time, for his services, such compensation as shall be allowed by the judge of the county court and commissioners of roads and revenue, not exceeding per cent. upon the monies which he may pay out,* which was adopted; and the said bill was ordered to be engrossed as amended for a 3d reading.

A bill to be entitled an act to exempt school-masters and students from military duty, was read a 2d time. *Mr. Mardis* moved that the further consideration of the bill be indefinitely postponed, which was lost—yeas 21—nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Coalter	Fitzpatrick	Martin of Fr.	Vining
Barton of Tus	Coleman	Inge Jones	McLemore	Warren
Baxter	Davis	King	Peyton	Watson
Brandon	Edmondson	Mardis	Sims	White—21

Those who voted in the negative, are

Mr. Speaker,	Brown	Dupuy	Moore	Tate
Bailey of La.	Conner Cook	Fluker	Morton	Tindall
Bailey of Mt.	Coopwood	Greening	Oliver	Vaughan
Benson	Creagh	Hickman	Pickens	Walthall
Bridges	Crenshaw	Lewis	Saffold	Weissinger
Broadnax	Dillett	McNeill	Shotwell	Williams—81.

The bill was then ordered to be engrossed, and to be read a third time.

The bill, to be entitled an act to restrain the taking of excessive usury, was read a second time. Mr. Martin of Fr. moved that the further consideration of said bill be indefinitely postponed; which was carried.

The joint resolution, authorizing his excellency the Governor to order the quarter-master-general of this state to deliver sixty stand of arms, of those belonging to the state, to the Independent Blues of Mooresville, Limestone county, was read a second time. Mr. Hickman moved that the further consideration of the said resolution be indefinitely postponed; which motion was lost, yeas 19, nays 21.

The yeas and nays being called for, those who voted in the affirmative, are

M. Armbrister	Coleman	Jones	Peyton	Walthall
Bailey of L.	Fitzpatrick	King	Pickens	Watson
Baxter	Hickman	Mardis	Shotwell	White
Brandon	Inge	McLemore	Vining	19

Those who voted in the negative, are

Mr. Speaker	Brown	Davis	Martin of Fr.	Tate
Bailey of Mt.	Coalter	Dillett	McNeill	Tindall
Barton of T.	Conner	Dupuy	Morton	Vaughan
Benson	Cook Creagh	Edmondson	Oliver	Warren
Bridges	Coopwood	Greening	Saffold	Weissinger
Broadnax	Crenshaw	Lewis	Sims	Williams, 31.

The question was then put, shall this resolution be engrossed and read a third time? and determined in the affirmative—yeas 27, nays 25.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brown	Creagh	Greening	Saffold
Bailey of Mt.	Coalter	Coe Crenshaw	Lewis	Sims Tate
Barton of T.	Cook	Davis	McNeill	Tindall
Bridges	Conner	Dupuy	Morton	Vaughan
Broadnax	Coopwood	Edmondson	Oliver	Weissinger 25

Those who voted in the negative, are

Mr. Armbrister	Coleman	Inge	McLemore	Vining
Bailey of La.	Dillett	Jones	Moore	Walthall
Baxter	Fitzpatrick	King	Peyton	Watson
Benson	Fluker	Mardis	Pickens	White
Brandon	Hickman	Martin of Fr.	Shotwell	Williams 25

The bill, to be entitled an act to divorce William Gates from Susanah Gates, was read a second time, and ordered to be engrossed for a third reading—and then the House adjourned till 9 o'clock to-morrow morning.

Wednesday, Jan. 4, 1826. Mr. Heard from the committee on engrossed bills, reported that he had examined and found correctly enrolled, bills of the following titles: An act concerning taxes in Mobile county; An act to provide for the payment of petit jurors in the counties of Blount, Montgomery, Mobile, and Baldwin, and for other purposes; An act to establish a permanent seat of justice in the county of

Jackson, and for other purposes; An act to incorporate the trustees of the La Fayette academy, in the village of La Grange; A joint resolution relating to the boundary line between the state of Alabama and the state of Georgia; An act to incorporate the town of Florence, in the state of Alabama; A joint resolution memorializing Congress in relation to certain public works therein named; An act for the relief of Henry Fountain; An act to extend the corporate limits of the town of Moulton, and for other purposes.

Message from the Senate, by Mr. Lyon their secretary: Mr. Speaker, the Senate have read three times and passed bills which originated in their House, entitled an act to provide for the improvement of the navigation of certain rivers therein named; An act for holding two terms of the supreme court, and for other purposes; And an act to emancipate Nancy Powell, a slave, and her infant son Thomas; in which they desire your concurrence. They have read three times and passed a bill which originated in the House of Representatives, entitled an act to establish certain election precincts therein named, and have amended the same in the manner herewith shewn; in which they ask your concurrence. They have also read three times and passed a bill which originated in your House, entitled an act providing for the registration of deeds, grants, &c. and have amended the same by striking out the second section thereof; in which amendment they desire your concurrence. They concur in the amendments made by your honorable body to the bill entitled an act to alter and amend the several laws now in force in this state, to suppress the evil practice of duelling. They have elected a committee on their part to consist of Messrs. Crabb, Jackson of Lau. and Sullivan, to examine into the affairs of the Bank of the State of Alabama, according to the provisions of the act of the present session. And then he withdrew.

Mr. Hallett, from the committee on accounts, to whom was referred the account of Pleasant Wright, jailer of Green county, for feeding prisoners in the jail of said county, reported, that said account is not authenticated according to the mode prescribed by law, and ask leave to be discharged from the further consideration of the same; which was agreed to. Ordered, that the House concur in the amendment made by the Senate to the bill, entitled an act providing for the registration of deeds, grants, &c. by striking out the second section thereof.

Mr. Martin of Lau. moved that the House disagree to the amendment made by the Senate to a bill to be entitled an act to establish certain election precincts therein named, by striking out of the 8th section of the bill the words Wm. M. Middleton, and inserting in lieu thereof the words "John Webb, near" which was carried. Yeas 30 nays 20.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Conner	Heard	Oliver	Vining
Benson	Coopwood	Jones	Peyton	Watson
Brandon	Davis	Klug	Saffold	Weissinger
Bridges	Edmondson	Martin of Fr.	Shatwell	White
Broadnax	Fitzpatrick	Martin of La.	Sims	Tate
Coleman	Grerning	Mead	Those who voted in the negative, are	Williams
Mr. Armbrister	Coalter	Hickman	Morris	Neill
Bailey of L.	Coe	Creagh	Inge	M'Lemore
Baxter	Dellelt	Lambert	Monre	Walthall
Brown	Fluker	Lewis	Morton	Warren

Ordered, that the House concur in the amendment made by the Senate to the 9th section of the bill, by striking out the word, *Covens*, and inserting in lieu thereof *Adam Frances*. The House concurred in the amendments of the Senate to the bill, by adding to the end thereof two additional sections.

Engrossed bills from the Senate of the following titles, to wit: An act to provide for the improvement of certain rivers therein named; And an act to provide for the holding two terms of the supreme court, and for other purposes, were severally read a first time, and ordered to be read a second time.

Mr. Dellett from the committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law making it the duty of the circuit judges in this state to hold intermediate terms of the circuit courts, with power in the presiding judge to appoint some other judge to hold such intermediate terms, and otherwise to regulate their interchange of ridings, *reported* a bill to be entitled an act requiring the judges of the circuit courts to alternate and for other purposes, which was read a first time and ordered to be read a 2d time.

Mr. Dellett from the same committee to whom was referred a bill to be entitled an act the better to secure the rights of the citizens of this state, *reported* the same without amendment.

Mr. Dellett from the same committee to whom was referred a bill to be entitled an act to provide for and remedy defects in proceedings before justices of the peace, *reported* the same without amendment.

Mr. Dellett from the same committee to whom was referred an engrossed bill from the Senate, to be entitled an act giving additional compensation to the solicitor of the first judicial circuit, *reported* the same without amendment.

Mr. Barton of T. from the select committee to whom was referred an engrossed bill to be entitled an act for the relief of Ed. King, Thomas T. Walke, Sally B. Stephens and Ed. W. Powell, *reported* the same with sundry amendments, in which report the House concurred; the said bill was then read as amended, a 2d time. *Mr. Faughan* moved that the further consideration thereof be indefinitely postponed, which was carried—yeas 31, nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Cleman	King	Neill	Oliver	Vining
Bailey of La.	Conner	Martin of Fr	Devton		Warren
Baxter	Conwood	Martin of La.	Saffold		Watson
Brandon	Davis	McLemore	Stewart		White
Bridges	Fitzpatrick	McNeill	Sims	Tate	Williams 21
Brown	Greening	Morton	Vaughan		

Those who voted in the negative, are

Mr. Speaker	Broadnax	Dupuy	Lambert	Pickens
Bailey of st.	Coe	Edmondson	Lewis	Thornton
Barton of mo.	Cook	Fluker	Lyon	Tindall
Barton of pus.	Creagh	Heard	Mardis	Walthall
Baylor	Creshaw	Hickman	Head	Weissinger 30
Benson	Dellett	Ingr	Jones	Moore

Mr. Lewis obtained leave to introduce a bill to be entitled an act better to secure the revenue arising from licenses granted to tavern-keepers and others, which was read a 1st time, & the rule requiring bills to be read on three several days, being dispensed with, it was read a 2d time forthwith, and ordered to be engrossed for a 3d reading.

Mr. Oliver from the select committee to whom was referred a bill to be entitled an act to allow merchants, physicians, shopkeepers & others to prove their own accounts, reported the same without amendment.

Mr. Pickens presented the account of *Jesse Beene*, clerk of the supreme court, which was read and referred to the committee on acc'ts.

Mr. Barton of M. from the select committee to whom was referred a bill to be entitled an act to emancipate *Mary*, the wife of *Richmond Richardson*, reported the same with sundry amendments, which was laid on the table.

Engrossed bill, from the senate, entitled an act to emancipate *Nancy Powell*, a slave, and her infant son *Thomas*, was read a first time and laid on the table.

A message from the Governor, by *J. I. Thornton*, Secretary of State:—*Mr. Speaker*, I am instructed by the Governor to inform your honourable body, that he did, on the 3d inst. approve and sign an act to amend an act entitled an act, to establish a certain county therein named, and for other purposes, passed December 22, 1824; An act to emancipate certain slaves therein mentioned; and an act for the relief of *William McDonald*; all of which originated in this House: and then he withdrew.

A bill to be entitled, an act for the relief of purchasers of lots in the town of *Cahawba*. *Mr. McLemore* moved to amend the same by adding thereto the following: "purchased prior to the 1st July, 1819." *Mr. Morton* moved to amend the same by striking out the word *fifty*; which was carried. *Mr. Dellett* moved the following amendment: "payable out of the first moneys which may arise from the sale of the public lands, and other property, in the town of *Cahawba* and adjoining thereto;" which was carried. On a call of the House, the following members were absent, to wit: *messrs. Bailey and Heard*. The House adjourned for one hour.

Evening Session.—The House met pursuant to adjournment.

On motion of *Mr. Kelly*, resolved, that the comptroller be requested to lay before this House, as early as practicable, the amount paid into the treasury for lots in *Cahawba*; distinguishing the amount paid in cash, and the amount paid by relinquishment of other lots; designating the time when such lots may have been sold.

The House then resumed the consideration of the bill entitled an act for the relief of the purchasers of lots in the town of *Cahawba*; and, on motion of *Mr. Kelly*, the further consideration thereof was postponed until to-morrow.

Engrossed bill from the Senate, to be entitled an act to require security upon granting a supersedeas, was read a third time and passed. Ordered, that the clerk acquaint the Senate therewith. The bill, to be entitled an act to establish a seventh judicial circuit, was taken up.—*Mr. Williams* moved that the further consideration thereof be indefinitely postponed; yeas 30, nays 27.

The yeas and nays being called for, those who voted in the affirmative, are

<i>Mr. Armbrister</i>	<i>Coe</i>	<i>Dupuy</i>	<i>McLemore</i>	<i>Sims</i>
<i>Bailey of La.</i>	<i>Coleman</i>	<i>Fluker</i>	<i>Moore</i>	<i>Walthall</i>
<i>Bailey of Mt.</i>	<i>Conner</i>	<i>Hickman</i>	<i>Neill</i>	<i>Warren</i>
<i>Baxter</i>	<i>Coopwood</i>	<i>Inge</i>	<i>Jones</i>	<i>Peyton</i>
<i>Bridges</i>	<i>Creagh</i>	<i>King</i>	<i>Pickens</i>	<i>Weissinger</i>
<i>Brown</i>	<i>Crenshaw</i>	<i>Martin of Fr.</i>	<i>Sbotwell</i>	<i>Williams—30</i>

Those who voted in the negative, are

<i>Mr. Speaker</i>	<i>Coalter</i>	<i>Davis</i>	<i>Heard</i>	<i>Morton</i>	<i>Tindall</i>
<i>Barton of Mo.</i>	<i>Dellett</i>		<i>Lewis</i>	<i>Mardis</i>	<i>Oliver</i>
<i>Baylor</i>	<i>Edmondson</i>		<i>Martin of La.</i>	<i>Saffold</i>	<i>Vining</i>
<i>Benson</i>	<i>Fitzpatrick</i>		<i>Mead</i>	<i>Tate</i>	<i>Watson</i>
<i>Broadnax</i>	<i>Hallett</i>		<i>McNeill</i>	<i>Thornton</i>	<i>White—27.</i>

The engrossed bill, to be entitled an act making appropriations for the year 1826, was read a third time and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for concurrence. The engrossed

bill, to be entitled an act divorcing certain persons therein named, was read a 3d time—and the question being put, shall this bill pass? it was determined in the affirmative; a constitutional majority having voted for the passage thereof—yeas 44 nays 8. Those who voted in the affirmative, are

Mr. Speaker	Bridges	Edmondson	Martin of Fr.	Vining
Ambrister	Broadnax	Greening	Martin of La.	Walthall
Bailey of L.	Brown	Hallett	Mead	Warren
Bailey of mt.	Coalter	Heard	McNeill	Weissinger
Barton of mo.	Coe Cook	Hickman	Neill Oliver	White
Baylor	Conner Davis	Inge King	Peyton	Williams
Baxter	Dellett	Lewis Lyon	Saffold Sims	
Brandon	Dupuy	Mardis	Tindall	

Those who voted in the negative, are

Coleman	Moore	Shotwell	Vaughan	Watson
Jones	Pickens	Tate		

Mr. Vining then moved that the title of the same be altered to that of an act to divorce Naomi Pond from Stephen Pond, which was carried. *Ordered*, that the same be sent with the accompanying evidence to the Senate for their concurrence.

Engrossed bill to be entitled an act to divorce Louisa Trouillet from her husband Pierre L. Trouillet, was read a third time, and the question being put shall this bill pass? It was determined in the affirmative, there being a constitutional majority in favor of its passage. Yeas 37, nays 13.

Those who voted in the affirmative, are

Mr. Speaker	Brandon	Dupuy	Lyon	Vining
Ambrister	Broadnax	Edmondson	Martin of Fr.	Walthall
Barton of mo.	Brown	Greening	Martin of La.	Warren
Bailey of La.	Coalter	Hallett	Mead	Weissinger
Bailey of mt.	Coe Cook	Heard	Neill Oliver	White
Baylor	Conner	Hickman	Peyton	Williams
Baxter	Davis	Inge King	Tindall	

Those who voted in the negative, are

Mr. Coleman	Crenshaw	McLemore	Shotwell	Watson
Coopwood	Dellett	Moore	Sims	
Creagh	Jones	Pickens	Vaughan	

Ordered, that the title be as aforesaid, and the same be sent to the Senate for their concurrence.

Engrossed bill, to be entitled an act to divorce William Gates from Susannah Gates, was read a third time, and the question being put, shall this bill pass? It was determined in the affirmative, there being a constitutional majority in favor of its passage. Yeas 34, nays 17.

Those who voted in the affirmative, are

Mr. Speaker	Broadnax	Heard	Martin of La.	Tindall
Bailey of mt.	Coalter	Hickman	Mead	Vining
Barton of mo.	Coe Cook	Inge	Neill	Warren
Baylor	Davis	King	Oliver	White
Baxter	Dupuy	Lambert	Peyton	Williams
Beuson	Edmondson	Lewis	Sims	
Brandon	Greening	Martin of Fr.	Thornton	

Those who voted in the negative, are

Mr. Bailey of L.	Creagh	Jones	Saffold	Walthall
Brown	Crenshaw	McLemore	Shotwell	Weissinger
Coleman	Dellett	Moore	Vaughan	
Coopwood	Fluker	Pickens		

Ordered, that the title be as aforesaid, and that the same be sent to the Senate for concurrence.

Mr. Lambert, a member of this House, from the county of Baldwin, hath
 leave of absence during the remainder of the session.

Engrossed bill, to be entitled an act to divorce Sarah Wall from James Wall,
 was read a third time; and the question being put, shall this bill pass? it was de-
 termined in the affirmative; there being a constitutional majority in favor of its
 passage—yeas 42, nays 10. Those who voted in the affirmative, are

Mr. Speaker	Bridges	Edmondson	Martin of Fr.	Thornton
Armbrister	Broadnax	Fitzpatrick	Martin of La	Tindall
Bailey of mt.	Brown	Greening	Mead	Vining
Barton of mo.	Coalter	Coë	Heard	Waldhall
Baylor	Conner	Hickman	Neill	Warren
Baxter	Cook	Creagh	Inge	Weissinger
Benson	Davis	Lambert	Peyton	White
Brandon	Dupuy	Lewis	Sims	Williams—42.

Those who voted in the negative, are

Mr. Bailey of L.	Coopwood	Jones	Pickens	Shotwell
Coleman	Crenshaw	Moore	Saffold	Vaughan 10.

Ordered, that the title of the bill be as aforesaid, and that it be sent to the Se-
 nate for concurrence.

Engrossed bill, to be entitled an act to divorce Samuel Payne from his wife,
 Elizabeth Payne, was read a third time; and the question being put, shall this
 bill pass? it was determined in the affirmative; there being a constitutional ma-
 jority in favor of its passage—yeas 42, nays 2.

Those who voted in the affirmative, are

Mr. Speaker	Broadnax	Greening	Mead	Tindall
Armbrister	Coalter	Coë	Heard	Vining
Bailey of mt.	Cook	Hickman	Neill	Waldhall
Barton of mo.	Conner	Inge	King	Warren
Baxter	Davis	Lambert	Peyton	Watson
Benson	Dupuy	Lewis	Saffold	Weissinger
Brandon	Edmondson	Mardis	Sims	White
Bridges	Fitzpatrick	Martin of La.	Thornton	Williams 42

Those who voted in the negative, are Messrs. Coleman and Creagh.

Ordered, that the title be as aforesaid, and that the same be sent to the Sen-
 ate for concurrence.

A message from the Governor, by J. I. Thornton, secretary of state: *Mr.*
Speaker, I am requested by the Governor to inform your honorable body, that
 he did, on this day, approve and sign an act to incorporate the Moulton library
 company; an act to establish the temporary seat of justice in the county of Wal-
 ker; and an act to prohibit the further granting licenses for gaming—all of which
 originated in this body; and when he withdrew.

Engrossed bill, to be entitled an act to exempt school masters, teachers and
 students, from military duty, was read a third time; and the question being put,
 shall the bill pass? it was determined in the affirmative—yeas 38, nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coë	Greening	Moore	Thornton
Bailey of mt.	Cook	Heard	Morton	Tindall
Barton of Mo.	Conner	Hickman	Oliver	Vaughan
Benson	Creagh	Lambert	Saffold	Waldhall
Broadnax	Crenshaw	Lewis	Shotwell	Weissinger
Brown	Delleit	Martin of La.	Tate	White 38
Coalter	Flicker	Mead	Those who voted in the negative, are	
Mr. Armbrister	Coopwood	Fitzpatrick	Martin of Fr.	Vining
Baxter	Davis	Inge	Jones	Warren
Brandon	Dupuy	King	Neill	Watson
Coleman	Edmondson	Mardis	Peyton	Sims
				White 22

Mr. Benson moved to amend the title of said bill by adding thereto the words "and for other purposes," which was carried. *Ordered*, that the title be changed from that of a bill to that of an act, and that it be sent to the Senate for concurrence. And then the House adjourned till to-morrow 9 o'clock.

Thursday, January 5, 1826.

Mr. Dellett from the judiciary committee to whom was referred a bill to be entitled an act to authorize an information to be filed in the nature of a *quo warranto* against the Indian creek navigation company; and also the petition of sundry persons praying a repeal of the act incorporating said company, reported, the committee find that the General Assembly of this state, on the 21st Dec. 1820, passed an act incorporating the Indian creek navigation company. Whether the said company have misused or failed to use the rights and privileges secured to them by the said act of incorporation this committee are not informed, except what is set forth in the petition above mentioned, and are satisfied it would not only be unsafe but contrary to the legal rights of the parties to recommend to this House the repeal of the charter upon an *ex parte* application and upon such evidence as is exhibited in said petition. The committee are satisfied that the constitution and the laws secure to the applicants all that is sought by the aforesaid bill in a more ample and more legitimate channel than is attempted through the interference of this House. The committee have therefore to report the bill to this House without amendment.

Mr. Dellett from the judiciary committee to whom was referred the petition of Maximilien Dubroca, reported a bill to be entitled an act for the relief of certain persons therein referred to; which was read a first time and ordered to be read a second time.

Engrossed bills of the following titles, to wit:—An act to establish a permanent road from Florence in the county of Lauderdale, to Athens in the county of Limestone; an act respecting buoys and other land marks in Mobile Bay; an act to amend the laws now in force in relation to the duties of the county treasurers in this state; an act to repeal in part and amend an act entitled an act for the punishment of malicious mischief, passed Dec. 17, 1821; an act more effectually to prevent Sabbath breaking; an act to incorporate the trustees of the Tusculumbia female academy in Franklin county; an act granting to Geo. Phillips the privilege of a private landing on the reserved lands of the town of Cahawba; an act to amend the several acts now in force respecting the town of Montgomery; an act for the relief of Joshua Winsford; an act to alter and amend an act entitled an act to establish the seat of justice in the county of Autauga, passed Nov. 22, 1819; an act better to secure the revenue arising from licenses granted to tavern keepers and others; were severally read a 3d time and passed. *Ordered*, that the titles be as aforesaid, and that the same be sent to the Senate for concurrence.

Engrossed joint resolution authorizing the Governor to order the quarter-master-general of this state to deliver 60 stand of arms, of those belonging to the state, to the Independent Blues of Mooresville, Limestone county, was read a third time. Mr. Watson moved to amend the same by way of engrossed rider, which was carried and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the Senate for concurrence.

Engrossed bill to be entitled an act to alter the mode of appointing assessors and tax-collectors, was laid on the table.

Message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have appointed on their part a committee to consist of Messrs. Jackson of La. Bagby and Crawford to confer with the committee appointed on the part of your honorable body upon the subject of the disagreement between the two Houses in relation to the amendment made by your honorable body to the memorial to the Congress of the United States, praying further relief to the purchasers of public lands. They have read three times and passed bills which originated in their house entitled an act to establish a ferry and appoint commissioners to lay out a road therein named; an act giving further time to persons holding claims against their respective counties to file the same; an act to amend an act regulating the licensing physicians to practice, and for other purposes therein named, passed Dec. 22, 1823; and an act explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31, 1822: in which they desire your concurrence. They have also read three times and passed bills which originated in the House of Representatives, entitled an act reserving from sale the university lands in the county of Tuscaloosa; an act to authorize Wm. R. Parker to emancipate a certain slave therein named; an act for the relief of the inhabitants of the first township, range 7, east of the basis meridian of Huntsville; an act to amend an act entitled an act to alter and amend the charter of incorporation of the city of Mobile; also, an act regulating elections, and have amended the same in the manner herewith shewn; also, an act to establish and incorporate the town of Sommerville in the county of Morgan, which they have amended by striking out all of the bill after the enacting clause, and substituting one section in lieu thereof, and have also amended the caption of the bill in the manner herewith shewn. They have also passed a bill entitled an act to amend an act to establish a certain road therein mentioned; and have amended the same by adding thereto an additional section: in all of which several amendments they desire your concurrence—and then he withdrew. *Ordered*, that the House concur in the amendments made by the Senate to a bill to be entitled an act to amend an act entitled an act to establish a certain road therein mentioned, by adding thereto an additional section. *Ordered*, that the House concur in the amendments made by the Senate to a bill to be entitled an act to establish and incorporate the town of Sommerville in the county of Morgan; by striking out all of the bill after the enacting clause, and substituting in lieu one section; and also have amended the caption of the bill. *Ordered*, that the House concur in the amendments made by the Senate to a bill to be entitled an act regulating elections, by striking out all the first section after the word precincts by striking out all of the 2d section after the word election; and also by adding thereto an additional section.

Engrossed bills from the Senate of the following titles, to wit:—An act explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31, 1822; an act giving further time to persons holding claims against their respective counties to file the same, were severally read a first time and ordered to be read a second time. Engrossed bill from the Senate to be enti-

tioned an act to amend an act regulating the licensing physicians to practice, and for other purposes therein named, passed Dec. 22, 1823, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a second time forthwith and laid on the table. Engrossed bill from the Senate to be entitled an act to establish a ferry and appoint commissioners to lay out a road therein named, was read a first time, and the question being put, shall this bill be read a second time? it was determined in the negative.

Mr. Watson obtained leave to introduce a bill, to be entitled an act in relation to the organization of Dale county, which was read a first time, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith, and referred to a select committee, consisting of Messrs. Watson, Oliver & Cook,

Mr. Dellett, from the judiciary com. to whom was referred a bill, to be entitled an act to authorize the transfer of administration and guardianship to any county in this state, reported, a bill in lieu thereof, which was read a second time, and ordered to be engrossed for a third reading. Ordered, that Messrs. Dellett, Greening, and Hallett, the committee appointed on the part of this House to act with the committee on the part of the Senate, to examine into the affairs of the bank of the State of Alabama, have leave to sit during the period requisite for the performance of that duty.

Engrossed bill to be entitled an act to alter the mode of appointing sheriffs and tax collectors, was taken up and read a third time. Mr. Morton moved to amend the same by way of engrossed rider, which was denied. Mr. Morton moved that the further consideration of the same be postponed until the 29th Feb. 1827, which was lost. Yeas 29, nays 32.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Conner	Greening	Harris	Pickens
Bailey of La.	Crengh	Hickman	Martin of Li.	Tate
Barton of Mo.	Crenshaw	Inge	Head	Thornton
Barton of Tus.	Dellett	Lambert	Moore	Tindall
Baylor	Edmondson	Lewis	Morton	Williams
Coe	Floker	Lyon	Oliver	

Those who voted in the negative, are

Mr. Armbrister	Brown	Fitzpatrick	McNeill	Vining
Bailey of Mt.	Coleman	Heard	Neill	Walthall
Baxter	Cook	Jones	Peyton	Warren
Benson	Coopwood	Martin of Fr.	Saffold	Watson
Bridges		Martin of La.	Shotwell	Weissinger
Broadnax	Davis	Dupuy	McLemore	Vaughan
				White

The question being put, shall this bill pass, it was determined in the affirmative. Yeas 33, nays 30.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Armbrister	Brown	Heard	Neill	Walthall
Bailey of Mt.	Coleman	Jones	Peyton	Warren
Baxter	Cook	King	Saffold	Weissinger
Benson	Coopwood	Martin of Fr.	Shotwell	White
Brandon	Davis	Martin of La.	Sims	Watson
Bridges	Dupuy	McLemore	Vaughan	
Broadnax	Fitzpatrick	McNeill	Vining	

Those who voted in the negative, are

Mr. Speaker	Conner	Greening	Lyon	Oliver
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Bailey of La.	Creagh	Hallett	Mardis	Pickens
Barton of Mo.	Creashaw	Hickman	Martin of Li.	Tate
Barton of T.	Dillet	Juge	Mead	Thornton
Baylor	Edmondson	Lambert	Moore	Tindall
Coe	Fluker	Lewis	Morton	Williams

Ordered, that the title be as aforesaid, and that the same be sent to the Senate for concurrence:

Message from the governor, by James I. Thornton, secretary of state: *Mr. Speaker*, I am instructed by the governor to inform your honorable body that he did on the 4th instant, approve and sign an act declaring Paint Rock river, a public highway; An act for the relief of Leasa Lewis; An act to establish boundary lines between certain counties therein named; all of which originated in this House. And then he withdrew.

Mr. Watson, from the select committee, to whom was referred bill, to be entitled an act in relation to the organization of Dale county, reported the same, by adding thereto an additional section; in which report the House concurred; and the rule requiring bills to be read on three several days being dispensed with, four fifths of the members present voting in the affirmative, it was then read as amended, and ordered to be engrossed for a third reading today.

Mr. Hallett, from the committee on accounts, reported a bill to be entitled an act making appropriations for certain claims against the state; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and laid on the table.

Engrossed bill, to be entitled an act to establish an office of discount and deposit of the bank of the state of Alabama, was laid on the table.

On motion of Mr. Barton, of Mobile, it was resolved, (if the honorable the Senate concur) that the two Houses will assemble in the Representative chamber, at 7 o'clock, p. m. on Friday evening next, for the purpose of electing a harbor master, and four wardens for the port of Mobile. *Ordered*, that the clerk inform the Senate thereof.

Bill to be entitled an act, to regulate the rate of toll to be allowed the owner of the bridges over the Escambia creek, in the county of Conecuh, was read a second time, and ordered to be engrossed and read a third time. Bill to be entitled an act to encourage the building of a certain mill in Marengo county, was laid on the table. Bill to be entitled an act to authorize the judge of the county court, in certain cases, to cause jurors to be summoned, was read a second time, and referred to the judiciary committee. Bill to be entitled an act to fix the salary of the president of the bank of the state of Alabama, was read a 2d time. Mr. Kelly moved to amend the same, by adding an additional section, which was carried. Mr. Crenshaw moved to amend the same, by adding another additional section, which was carried. Mr. Greening moved to amend the same bill, by inserting the words, *and his successors in office*, after the word *Alabama*, and before the word *shall*, in the first section of the bill, which was carried. And then the bill was ordered to be engrossed and read a third time. Bill to be entitled an act to repeal and amend in part an act, to regulate the rate of interest, passed, Dec. 17, 1819, was laid on the table. Bill to be entitled an act to authorize defendants to plead a failure of consideration, was read a second time, and referred to the judiciary committee:

Joint resolution requiring the sheriff of each county in this state to give notice to the electors to endorse on their tickets, at the next general election, *biennially*, was read the second time; and the question being put, shall this resolution be engrossed and read the third time? it was determined in the negative—yeas 24, nays 33.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Conpwood	King	Morton	Vining
Bailey of L.	Edmondson	Lewis	Peyton	Watson
Brandon	Head	Martin of Fr.	Saffold	Weissinger
Coe	Hickman	Martin of La.	Shotwell	White
Coleman	Jones	McNeill	Tate	24

Those who voted in the negative, are

Mr. Speaker	Broadnax	Dellett	Edon	Pickens
Bailey of Mt.	Brown	Dupuy	Madis	Sims
Barton of Mo.	Conk	Fitzpatrick	McLemore	Thornton
Barton of T.	Conner	Fluker	Moore	Tindall
Baylor	Creagh	Greening	Nestl	Walthall
Beason	Crenshaw	Inge	Oliver	Williams—33
Bridges	Davis	Lambert		

And then the House adjourned for one hour.

Evening Session.—Enrolled bills of the following titles were severally read a third time and passed, viz: an act in relation to the organization of Dale county; an act authorizing the citizens of Semmerville to elect a justice of the peace; and an act to incorporate the New Orleans and Tuscumbia steam boat company. *Ordered*, that the titles thereof be as aforesaid, add that the same be sent to the Senate for concurrence. Bill to be entitled an act to repeal in part and amend an act to regulate the rate of interest, passed, Dec. 17, 1819, was taken up & read a 2d time & referred to the judiciary com. Bills of the following titles, to wit: an act to authorize clerks of the county courts to administer oaths in certain cases; an act more effectually to secure the collection of public monies; resolution authorizing the Governor to appoint commissioners to adjust the unsettled accounts between this state and the state of Mississippi—were severally read a second time, and ordered to be engrossed for a third reading. A bill, to be entitled an act to provide for the trial of officers in the militia of this state, and for other purposes, was read a second time, and referred to a select committee, consisting of Messrs. Martin, of F. King, and Dupuy. A bill to be entitled an act to authorize Wm. H. Ragsdale, and his associates, to turnpike a road therein specified, was read a 2d time, and referred to a select committee, consisting of Messrs. Mead, Davis, and Coe. Engrossed bill from the Senate, to be entitled an act for the relief of Thomas Hearne, was read a 2d time, and the rule, requiring bills to be read on three several days, being dispensed with, four fifths of the members present voting in the affirmative, it was read a 3d time forthwith and passed. *Ordered*, that the clerk acquaint the Senate thereof. A bill, to be entitled an act authorizing merchants, physicians, shop keepers, mechanics and others, to prove their own accounts, was read a 2d time. Mr. Morton moved that the further consideration of the same be indefinitely postponed; which was lost—yeas 32, nays 29.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Cook	Inge	Morton	Tate
Barton of Mo.	Conner	Jones	Oliver	Thornton
Baxter	Creagh	King	Peyton	Vining

Brandon	Edmondson	Lyon	Saffold	Williams
Coe	Fitzpatrick	Mead		

Those who voted in the negative, are

Mr. Speaker	Brown	Fluker	McLemore	Walthall
Bailey of L.	Coleman	Lewis	Neill	Warren
Bailey of Mt.	Coopwood	Mardis	Pickens	Watson
Beason	Crenshaw	Martin of Fr.	Shotwell	Weissinger
Bridges	Davis	Martin of La.	Sims	White
Broadnax	Dupuy	Martin of Li.	Vaughan	

Mr. Oliver offered the following amendment: "*Be it enacted, that, hereafter, no account for spirituous liquors, sold by retail, shall be collected by the laws of this state;*" which was adopted—yeas 38, nays 13

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Coe	Jones	Moore	Sims
Armbrister	Cook	Lewis	Morton	Tate
Bailey of L.	Craigh	Lyon	Oliver	Thornton
Bailey of Mt.	Crenshaw	Mardis	Peyton	Vaughan
Barton of Mt.	Edmondson	Martin of Fr.	Pickens	Warren
Baxter	Fluker	Martin of Li.	Saffold	Weissinger
Bridges	Hickman	Mead	Shotwell	White—38
Broadnax	Inge	McLemore	<i>Those who voted in the neg't, are</i>	
Mr. Beason	Coleman	Davis	Martin of La.	Walthall
Brandon	Conner	Dupuy	Neill	Watson
Brown	Coopwood	King	Vining	Williams—1

The said bill was then ordered to be engrossed for a 3d reading.

Mr. Martin of Fr. from the select committee, to whom was referred a bill to be entitled an act to provide for the trial of officers in the militia of this state, reported the same with an amendment; in which report the House concurred—the said bill was then read a second time as amended, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, to be entitled an act for the relief of Lewis Houser, was read a 2d time and ordered to be read a 3d time.

And then the House adjourned till to-morrow morning at 9 o'clock.

Friday, Jan. 6, 1826. Ordered, that Mr. Moore, a member from the county of Monroe, have leave of absence the remainder of the session.

Message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed a bill which originated in your honorable body, entitled an act for the relief of the Mobile and Tombeckbe banks, against certain penalties heretofore incurred by them, and have amended the same, by striking out the words *first day of March*, whenever they occur in the first section of the bill, and inserting in *twenty fifth day of July*; in which amendment they ask your concurrence. They have also read three times and passed a bill which originated in your House, entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Lauderdale county, to lay a tax for the purposes therein specified, and have amended the same in the manner herewith shewn; in which they also ask your concurrence. They have also passed a bill which originated in this House, entitled an act to change the names of, and legitimate certain persons therein named, and have amended the same in the manner herewith shewn; in which they also desire your concurrence. They have also passed a bill which originated in this House, entitled an act to authorize the county courts of Henry and Dale counties to levy a tax on said counties for certain purposes herein specified, and have

amended the same as herewith shewn; in which they also ask your concurrence. They have also passed a bill which originated in this House, entitled an act to amend an act, entitled an act to appoint commissioners, to lay out two roads leading from the ford of Line creek—the one to Coffeerville, the other to Tuskaloosa, passed, Dec. 21, 1822, and have amended the same, by adding thereto two additional sections; in which they also desire your concurrence. They have also read 3 times and passed bills which originated in your House, entitled an act establishing schools in the county of Mobile; An act to locate permanently the seat of justice in the county of Shelby; An act to incorporate the town of Pickens, in the county of Pickens; An act to incorporate Milton academy, in the town of Montgomery; and to empower the trustees of the same to establish a lottery or lotteries; An act to authorize the raising by lottery a sum of money, for the purposes therein specified; An act to authorize the judge of the county court of Washington county, and commissioners of revenue and roads to levy a special tax, for the purpose therein mentioned, and for other purposes; And an act to authorize Green Collier to erect a dam across Flint river, in Madison county, and for other purposes. They have also read three times and passed bills which originated in their House, entitled an act to provide for the removal of the bank of the state of Alabama to the town of Tuskaloosa; and An act for the better selecting, drawing and summoning jurors; in both of which they ask your concurrence. And then he withdrew.

Mr. Mead, from the select committee, to whom was referred a bill to be entitled an act, to authorize Wm. H. Ragsdale and his associates, to turnpike a road therein specified, *reported* the same with an amendment; in which report the House concurred. Said bill was then read a second time, and ordered to be engrossed for a third reading.

* The Speaker laid before the House a communication from the comptroller and secretary of state, in relation to the purchasers of lots in the town of Cahawba, which was read. *Ordered*, that 100 copies be printed for the use of this House.

Mr. Bridges offered the following resolution: *Resolved*, that it is expedient to reduce the taxes which are now imposed by law, and that the committee on ways and means be instructed to report a bill for that purpose; which resolution was laid on the table.

The House disagree to the amendments made by the Senate to a bill to be entitled an act for the relief of the Mobile and Tombeckbe banks against certain penalties heretofore incurred, by striking out of the 1st section, the words *1st day of March*, and inserting *25th July*, and by striking out *1st day of March*, whenever the same occurs in the bill, and inserting *twenty-fifth July*. *Ordered*, that the House concur in the amendments made by the Senate to a bill to be entitled an act to authorize the judge of the county court and commissioners of revenue and roads of Lauderdale county, to levy a tax for the purposes therein specified, by striking out of the 1st sec. *Samuel Craig*, and inserting *John Dunnahoo*, and in the 13th line of the 1st sec. strike out *next* and insert 1826, and by striking out of the 3d section the words *for toll*, 1st word last line and insert the words *such rates of toll as the county court of Lauderdale county may authorise*.

Mr. Greening, from the military committee, to whom was referred a resolution instructing them to inquire into the expediency of altering

the time of holding company courts martial, ask leave to be discharged from the further consideration of the same, which was agreed to.

Mr. Greening, from the military committee, to whom was referred the petition of Hugh W. Henry, Ebenezer Pond, and John B. Whitesides, praying that a law may be passed incorporating the Washington artillery company, reported a bill to be entitled an act to incorporate an artillery company in the town of Montgomery, to be styled the artillery company, and for other purposes, which was read a first time, and ordered to be read a second time.

Mr. Greening, from the military committee, to whom was referred sundry petitions from volunteer companies, praying that laws may be enacted incorporating them, reported that it is inexpedient to pass the laws asked for by the petitioners, in which report the House concurred. Ordered, that the House concur in the amendments made by the Senate to a bill to be entitled an act to change the name of and legitimate certain persons therein named, by inserting in sec. 1st and 3d line the word *that*, the words *from and after the passage of this act*, and by adding thereto three additional sections. Ordered, that the House concur in the amendments made by the Senate to a bill to be entitled an act to authorize the county courts of Dale and Henry counties to levy a tax on said counties for certain purposes herein named, by striking out *five* whenever it occurs in the bill after *twenty*, so as to make the tax twenty per cent. Ordered, that the House concur in the amendments made by the Senate to a bill to be entitled an act to amend an act, entitled an act to appoint commissioners to lay out two roads leading from the ford of Line creek—the one to Coffeeville, the other to Tuscaloosa, passed, the 31st Dec. 1822, by adding thereto two additional sections.

Engrossed bill from the Senate, to be entitled an act for the better selecting, drawing, and summoning jurors, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four fifths of the members voting in the affirmative, it was read a 2d time forthwith, and referred to the judiciary committee.

Mr. Creagh moved that the House reconsider a vote given on concurring with the amendments made by the Senate to a bill to be entitled an act to amend an act entitled an act to appoint commissioners to lay out two roads leading from the ford of Line-creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec. 31, 1822, by adding thereto section 8, which was carried, and ordered to lie on the table.

Engrossed bill to be entitled an act to provide for the removal of the Bank of the state of Alabama to Tuscaloosa, was read a first time, and ordered to be read a 2d time.

Engrossed bills of the of the following titles, to wit: An act to incorporate the Bassett's creek navigation company; An act for the adjustment of outstanding accounts and to compel the payment into the treasury of monies heretofore and now detained by public defaulters, and which may hereafter be detained; An act to regulate the rate of toll to be allowed to the owner of the bridge over Escambia creek in the county of Conecuh; An act to authorize clerks of the county courts to administer oaths in certain cases; An act to authorize the transfer of administration and guardianship to any county in this state; A resolution authorizing the Gov. to appoint commissioners to adjust the unsettled accounts between this state and the state of Mississippi, were

severally read a 3d time and passed. *Ordered* that the title be as aforesaid, and that the same be sent to the Senate for concurrence.

Engrossed bill from the Senate to be entitled an act making provision for the next general assembly, was read a 2d time and ordered to be read a 3d time.

Engrossed bill to be entitled an act authorizing merchants, physicians, shopkeepers and others to prove their own accounts, was read a 3d time: *Mr. Lewis* moved to amend the same by way of engrossed rider, which was carried, and the question being put, shall this bill pass, it was determined in the negative—yeas 26—nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Martin of Fr.	Neill	Tindall
Bailey of La.	Crenshaw	Martin of La.	Peyton	Vaughan
Bailey of Mt.	Fluker	Martin of Li.	Pickens	Weissinger
Barton of Mo.	Lewis	McLemore	Sims	Tate
Baylor	Mardis	Morton	Thornton	Warren
				White

Those who voted in the negative, are

Mr. Armbrister	Coleman	Dupuy	Inge	Jones	Vining
Barton of T.	Cook	Conner	Edmondson	King	Lyon
Baxter	Coopwood	Fitzpatrick	Mead		Williams
Benson	Creagh	Greening	Oliver		
Brandon	Davis	Heard	Saffold		
Brown	Dellett	Hickman	Shotwell		

Engrossed bill to be entitled an act to fix the salary of the president of the Bank of the state of Alabama, was read a third time: *Mr. Dellett* moved to fill the blank where it occurs in the first section of the bill, with the sum of *two thousand* which was lost, yeas 4—nays 53.

The yeas and nays being called for, those who voted in the affirmative, are *Mr. Crenshaw, Dellett, Lyon, & Saffold.* Those who voted in the negative, are

Mr. Speaker	Broadnax	Fluker	Mead	Vaughan
Armbrister	Brown	Greening	McLemore	Vining
Bailey of L.	Coe	Creagh	Heard	McNeill
Bailey of Mt.	Coleman	Hickman	Morton	Warren
Barton of T.	Conner	Inge	Jones	Neill
Barton of Mo.	Coopwood	King	Lewis	Peyton
Baxter	Davis	Mardis	Shotwell	White
Benson	Dupuy	Martin of Fr.	Sims	Tate
Brandon	Edmondson	Martin of La.	Thornton	Williams
Bridges	Fitzpatrick	Martin of Li.	Tindall	

Mr. Williams then moved to fill said blank with the sum of *fifteen hundred*, which was lost—yeas 22—nays 35.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Bridges	Edmondson	Martin of Fr.	Walthall
Barton of T.	Broadnax	Fitzpatrick	Martin of Li.	Weissinger
Benson	Conner	Cook	Fluker	Inge
Brandon	Davis	King	Lyon	Vining
				Saffold
				White
				Williams

Those who voted in the negative, are

Mr. Armbrister	Coleman	Heard	McLemore	Tate
Bailey of La.	Coopwood	Hickman	McNeill	Thornton
Bailey of Mt.	Creagh	Jones	Morton	Tindall
Barton of Mo.	Crenshaw	Lewis	Neill	Oliver
Baxter	Dellett	Mardis	Peyton	Vaughan
Brown	Dupuy	Martin of La.	Shotwell	Warren
Coe	Greening	Mead	Sims	Watson

Mr. Lyon then moved to fill the same with the sum of *fourteen hundred and fifty*, which was lost—yeas 19—nays 35.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Edmondson	Lyon	Vining	Williams 19
Barton of T.	Fitzpatrick	Martin of Fr.	Walthall	
Broadnax	Fluker	Martin of Li.	Weissinger	
Conner Davis	Inge	King	Tindall	
			White	

Those who voted in the negative, are

Mr. Armbrister	Bridges	Dupuy	Martin of La.	Shotwell
Bailey of mt.	Brown	Greening	mead	Sims
Bailey of La.	Coe	Heard	McLemore	Tate
Barton of mo.	Coleman	Hickman	McNeill	Thornton
Baxter	Coopwood	Jones	Morton	Vaughan
Benson	Creagh	Lewis	Oliver	Warren
Brandon	Crenshaw	Mardis	Peyton	Watson 20

Mr. Inge then moved to fill the same with twelve hundred and fifty, which was carried—yeas 29—nays 28.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Conner	Heard	Martin of Li.	Walthall
Barton of Tus	Davis	Inge	McNeill	Weissinger
Brandon	Edmondson	King	Neill	White
Bridges	Fitzpatrick	Lewis	Thornton	Williams,
Broadnax	Fluker	Martin of Fr.	Tindall	
Cook	Greening	Martin of La.	Vining	

Those who voted in the negative, are

Mr. Armbrister	Brown	Dellett	McLemore	Tate
Bailey of L.	Coe	Dupuy	Morton	Vaughan
Bailey of mt.	Coleman	Hickman	Oliver	Warren
Barton of m.	Coopwood	Jones	Peyton	Watson 28
Baxter	Creagh	Mardis	Shotwell	
Benson	Crenshaw	Mead	Sims	

Mr. Martin of Lim. then moved to fill the blank where it occurs in the 2d ec. of the bill with the sum of 500 dollars, which was carried, yeas 32, nays 24.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker,	Broadnax	Greening	Martin of La.	Thornton
Barton of mo.	Cook	Creagh	Martin of Li.	Vining
Baylor	Crenshaw	King	McNeill	Watson
Benson	Dellett	Lewis	Lyon	Weissinger
Brandon	Fitzpatrick	Mardis	Neill	Oliver
Bridges	Fluker	Martin of Fr.	Pickens	Williams-32.

Those who voted in the negative, are

Mr. Armbrister	Brown	Davis	McLemore	Vaughan
Barton of Tus	Coe	Dupuy	Peyton	Walthall
Bailey of La.	Coleman	Hickman	Shotwell	Warren
Bailey of mt.	Conner	Inge	Jones	Sims
Baxter	Coopwood	Mead	Tindall	Tate
				White 26.

Mr. Lyon then moved to amend the bill by way of engrossed rider, as follows:
 Sec. — And be it further enacted, that the secretary of state be allowed the sum of five hundred dollars annually, in addition to his present salary, in lieu of payment for extra services, as now allowed, to be paid out of any monies in the treasury not otherwise appropriated, which was read a first time, and the question being put, shall the amendment be read a 2d time, it was determined in the negative—yeas 19, nays 38!

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of mt.	Cook	Fluker	Hickman	Mardis
Barton of mo.	Creagh	Greening	Inge	Oliver
Barton of Tus	Crenshaw	Hallett	Lewis	Tate
Broadnax	Dellett	Heard	Lyon	

Those who voted in the negative, are

Mr. Speaker	Coe	Jones	Neill	Vining
Ambrister	Coleman	King	Peyton	Walthall
Bailey of L.	Conner	Martin of Fr.	Pickens	Warren
Baxter	Coopwood	Martin of La.	Shotwell	Watson
Benson	Davis	Martin of Li.	Sims	Weissinger
Brandon	Dupuy	Mead	Tindall	White
Bridges	Edmondson	McLemore	Vaughan	Williams 30.
Brown	Fitzpatrick	Morton		

Mr. Crenshaw then moved to fill the blank where it occurs in the 3d section of the bill, with the sum of *two thousand five hundred dollars*. Mr. Barton of T. moved that said bill be laid on the table, which was carried.

A bill to be entitled an act to provide for and remedy defects in proceedings before justices of the peace, was read a 2d time and laid on the table, and then the House adjourned for one hour.

Evening Session.—Ordered that Messrs. Fitzpatrick and Watson have leave of absence for the remainder of the session.

Mr. Lewis moved a reconsideration of a vote given yesterday, on an engrossed bill from the Senate, to be entitled an act to establish a ferry, and appoint commissioners to lay out a road therein named, which was carried. Said bill was then ordered to be read a 2d time.

On motion of Mr. Barton of M. Ordered that all bills now in progress before this House on the subject of emancipation, be taken up, read and referred to a select committee, consisting of Messrs. Vining, Heard and Peyton.

A bill, to be entitled an act better to secure the rights of the citizens of this state, was read a second time—Mr. McLemore moved that the further consideration thereof be indefinitely postponed; which was lost—yeas 24, nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Barton of M.	Coopwood	Jones	Saffold	Walthall
Broadnax	Creegh	McLemore	Shotwell	Warren
Brown	Dupuy	Neill	Sims	Weissinger
Coleman	Floker	Oliver	Thornton	Williams—24
Cook	Inge	Pickens	Vining	

Those who voted in the negative, are

Mr. Speaker	Baxter	Davis	Martins	Morton
Ambrister	Benson	Edmondson	Martin of Fr.	Peyton
Bailey of M.	Bridges	Fitzpatrick	Martin of La.	Tate
Bailey of L.	Coe	Heard	Martin of Li.	Tindall
Barton of Tus.	Conner	Lewis	Mead	Vaughan
Bayle	Crenshaw	Lyons	McNeill	White—30

Mr. Kelly moved to amend the same by adding thereto an additional section. Ordered, that said bill, with the proposed amendment, be referred to a select committee, consisting of Messrs. Barton of Tus. Martin of La. and Baylor.

Engrossed bill, to be entitled an act to provide for the trial of officers in the militia of this state, and for other purposes, was read a 3d time and passed. Ordered, that the title of the bill be as aforesaid, and that it be sent to the Senate for concurrence.

Bills of the following titles, to wit: an act to compel those making saltpetre in this state to enclose their works; an act to alter and amend an act for the collection of monies due the state, and for other purposes, and an act supplementary thereto; an act to divorce Elizabeth Galloway from her husband, James Galloway; an act to incorporate the trustees of the Tuscumbia Academy, in Franklin county—were seye-

rally read a second time, and ordered to be engrossed for a third reading. A bill, to be entitled an act amendatory of an act to regulate escheators in this state & appoint escheators, was read a 2d time: Mr. Davis moved that the further consideration thereof be indefinitely postponed; which was carried. Engrossed bill from the Senate, to be entitled an act for the relief of Lewis Houser, was read a third time; and the question being put, shall this bill pass? it was determined in the affirmative—yeas 30, nays 19.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brandon	Heard	Mead	Wahball
Armbrister	Broadnax	Inge	M. Lemoire	Warren
Bailey of L.	Brown	Jones	McNeill	Watson
Bailey of Mt.	Cook	Lyon	Oliver	Weissinger
Barton of Mo.	Davis	Martin of Fr.	Thornton	White
Benson	Edmondson	Martin of La.	Vining	Williams—30

Those who voted in the negative, are

Mr. Bridges	Coopwood	Lewis	Peyton	Tate
Coe	Creagh	Mardis	Pickens	Tindall
Coleman	Crenshaw	Martin of Li.	Shotwell	Vaughan 19
Conner	Fluker	Neill	Sims	

Ordered, that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

A bill to be entitled an act to extend relief to certain citizens whose property has been taken for public purposes—Mr. Bridges moved that the further consideration thereof be indefinitely postponed; which was carried. A bill to be entitled an act requiring judges of the circuit court to alternate and for other purposes—Mr. Martin of La. moved to amend the same by adding thereto three additional sections. Ordered, that the same, with the proposed amendments, be referred to a select committee, consisting of Messrs. Martin of La. Martin of Li. and Baylor.

A message from the Senate, by Mr. Lyon, their secretary: Mr. Speaker, the Senate concur in the resolution of your honorable body, proposing to go into the election of a harbor master and four wardens of the port of Mobile; and have amended the same by striking out "Friday," and inserting "Saturday," so as to go into the election tomorrow evening at 7 o'clock, and also by adding the words "and also a judge of the county court of Conecuh county"—in which amendments they ask your concurrence; and then he withdrew.—In which amendments the House concurred. Engrossed bill from the Senate, to be entitled an act for the better organization of the county court of Mobile county, was read a 2d time, and ordered to be read a 3d time. A bill to be entitled an act for the relief of Jesse Grimes—Mr. Martin of Fr. moved that the further consideration thereof be indefinitely postponed; which was carried. A bill, to be entitled an act to exempt certain persons therein described from taxation, was read a second time, and referred to a select committee, consisting of Messrs. Bridges, Fluker and Coopwood. A resolution, concerning the selection of a site for the location of the University, was read a second time—Mr. Lewis moved that the further consideration thereof be indefinitely postponed; which was carried—yeas 34, nays 23.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Armbrister	Bailey of L.	Barton of Mo.	Baxter
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Brandon	Edmondson	Lewis	Morton	Vaughan
Bridges	Fluker	Lyon	Neill	Vining
Coe	Heard	Martin of Fr.	Peyton	Warren
Conner	Hickman	Martin of La.	Tate	White
Coopwood	Inge	Martin of Li.	Thornton	Williams 34
Davis	King	Mead	Tindall	

Those who voted in the negative, are

Mr. Bailey of Mt.	Brown	Dupuy	Oliver	Sims
Barton of Mo.	Coleman	Fitzpatrick	Pickens	Walthall
Baylor	Cook	Jones	Saffold	Watson
Benson	Creagh	Mardis	Shotwell	Weissinger
Broadnax	Crenshaw	M'LeMore		23

A bill to be entitled an act to locate permanently the University of the state of Alabama, was taken up and read a 2d time; Mr. Baxter moved that the further consideration thereof be indefinitely postponed, which was carried, yeas 39, nays 18.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Armbrister	Broadnax	Fluker	Neill	Vining
Bailey of Mt.	Brown	Hickman	Oliver	Walthall
Barton of Mo.	Coe	Inge	Peyton	Warren
Barton of Tus.	Coleman	Jones	Pickens	Watson
Baylor	Cook	Lewis	Shotwell	Weissinger
Baxter	Conner	Lyon	Sims	White
Benson	Creagh	Mardis	Thornton	Williams-39
Bridges	Dupuy	M'LeMore	Tindall	

Those who voted in the negative, are

Mr. Speaker	Coopwood	Heard	Martin of Li.	Tate
Bailey of L.	Davis	King	Mead	Vaughan 18
Brandon	Edmondson	Martin of Fr.	Morton	
Crenshaw	Fitzpatrick	Martin of La.	Saffold	

Mr. Mead moved that this House do now adjourn till half past 8 o'clock to-morrow morning, which was determined in the negative—yeas 13, nays 41.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Bailey of Mt.	Lyon	Mead	Shotwell	Vaughan 13
Coleman	Martin of La.	Morton	Tate	
Edmondson	Martin of Li.	Saffold	Thornton	

Those who voted in the negative, are

Mr. Speaker	Bridges	Dupuy	Lewis	Tindall
Armbrister	Broadnax	Fitzpatrick	Mardis	Vining
Bailey of L.	Brown	Fluker	Martin of Fr.	Walthall
Barton of Mo.	Coe	Conner	M'LeMore	Warren
Barton of T.	Coopwood	Hickman	Neill	Watson
Baxter	Creagh	Inge	Oliver	Weissinger
Benson	Crenshaw	Jones	Pickens	White
Brandon	Davis	Klug	Sims	Williams-41.

On motion of Mr. Barton of T. Ordered that Mr. Mead be excused from attending the evening session of this House. The House adjourned till half past 6 o'clock.

Evening Session, half past 6 o'clock.

A bill to be entitled an act for the relief of certain persons therein referred to, was read a 2d time, and ordered to be engrossed for a 3d reading.

Engrossed bills from the Senate, of the following titles, to wit: An act the better to secure monies in the hands of clerks, sheriffs and coroners; and An act to alter the times of holding company courts martial, were severally read a 2d time and ordered to be read a 3d time.

Engrossed bill to be entitled an act to repeal an act entitled an act to amend an act to establish a turnpike road leading from Lawrence county to intersect the military road at Pikesville, in the county of Marion, passed Dec. 24, 1823, and to revive so much of the act as the above recited act repealed, and for other purpo-

ses, was read a 2d time and referred to a select committee, consisting of messrs. Martin of La. Coopwood, Hickman, Davis & White.

Engrossed bill from the Senate, to be entitled an act for the relief of the tax collector of mobile county, was read a 2d time and laid on the table.

Engrossed bill from the Senate to be entitled an act for the relief of the tax collector of mobile county, was taken up, amended & ordered to be read a 3d time.

Engrossed bill from the Senate, to be entitled an act to repeal an act entitled an act respecting bail in civil cases, was read the 2d time. Mr. Cook moved that the further consideration thereof be postponed till the 1st of June next, which was carried—yeas 35, nays 18.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Broadnax	Davis	McNeill	Vaughan
Bailey of M.	Brown	Dupuy	Morton	Vining
Barton of Mo.	Coleman	Fluker	Oliver	Walthall
Baxter	Cook	Jones	Pickens	Warren
Benson	Conner	Lewis	Saffold	Watson
Brandon	Coopwood	Martin of Fr.	Shotwell	Weissinger
Bridges	Crenshaw	McLemore	Sims	Williams 35.

Those who voted in the negative, are

Mr. Speaker	Coe	Creagh	Heard	Martin of La.	Thornton
Bailey of La.	Edmondson	Hickman	Martin of Li.	Tindall	
Barton of T.	Fitzpatrick	Inge	King	Peyton	Tate
				White	18

Engrossed bill from the Senate, to be entitled an act to provide for the improvement of the navigation of certain rivers therein named, was read a 2d time. Mr. Lewis moved that the further consideration thereof be indefinitely postponed, which was lost—yeas 23, nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Crenshaw	Lewis	Pickens	Watson
Bridges	Dupuy	McLemore	Saffold	Weissinger
Broadnax	Fitzpatrick	McNeill	Shotwell	White
Brown	Heard	Morton	Vaughan	23.
Coleman	Jones	Oliver	Walthall	

Those who voted in the negative, are

Mr. Speaker	Benson	Davis	Martin of La.	Tindall
Bailey of M.	Brandon	Edmondson	Martin of Li.	Vining
Bailey of La.	Coe	Cook	Fluker	Neill
Barton of Mo.	Conner	Hickman	Peyton	Warren
Barton of T.	Coopwood	Inge	King	Sims
Baxter	Creagh	Martin of Fr.	Thornton	Tate
				Williams 31

The said bill was then referred to the committee on inland navigation.

And then the House adjourned till tomorrow morning, 9 o'clock.

Saturday, January 7, 1826.

Message from the Senate, by Mr. Lyon, their secretary: Mr. Speaker, the Senate have read three times and passed a bill which originated in their House, entitled an act to amend an act, to regulate the licensing physicians to practice, and for other purposes, approved, December 22, 1823, in which they desire your concurrence. They recede from their amendment to the bill entitled an act to establish certain election precincts therein named, by striking from the 8th section of the bill the words "*Wm. M. Middleton in*" & inserting *John Webb*, near They have read three times and passed a bill, which originated in your House, entitled an act to provide for the appointment of a public weigher, in the town of Blakeley, and have amended the same by adding thereto an additional section; in which they ask your concurrence. They have also read three times and passed bills which originated in your honorable body, entitled an act to alter the manner of electing

major and brigadier generals; An act to repeal an act entitled an act the more effectually to secure the testimony of absent witnesses, by interrogatories; and An act to authorize certain persons therein named, to raise by lottery a certain sum of money for the purposes therein contained. They have also read three times and passed a bill which originated in your House, entitled an act to exempt school masters, teachers, and students, from military duty, and for other purposes, and have amended the same by striking out the 2d section; in which they also desire your concurrence. And then he withdrew.

Mr. Heard, from the committee on enrolled bills, reported that he had examined and found correctly enrolled, bills of the following titles, to wit: An act reserving from sale the university lands in the county of Tuscaloosa; An act to amend an act, entitled an act to establish a certain road therein named; An act supplementary to an act, entitled an act to establish the town of Sommerville, in the county of Collico, passed, Dec. 3, 1819; An act regulating elections; An act providing for the registration of deeds, grants, &c.; An act to authorize Green Collier to erect a dam across Flint river, in Madison county, and for other purposes; An act to authorize Wm. R. Parker, to emancipate a certain slave therein named; An act for the relief of the inhabitants of the 1st town's p, range 7, east of the basis meridian of Huntsville; An act to amend an act, entitled an act to alter and amend the charter of incorporation of the city of Mobile; An act to authorize the judge of the county court of Washington county and commissioners of revenue and roads to levy a special tax, for the purpose therein named, and for other purposes; An act to incorporate Milton academy, in the town of Montgomery and to empower the trustees of the same to establish a lottery or lotteries; An act to incorporate the town of Pickens, in the county of Pickens; An act to authorize the raising by lottery a sum of money, for the purposes therein specified. *Ordered*, that Mr. Barton, of a full leave of absence for the remainder of the session.

Mr. Heard, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles: An act to authorize Joseph Preece to erect a mill dam across the mulberry fork of the Tuscaloosa river; An act to require security upon granting a supersedeas; An act to alter the lines of Madison and Jackson counties; An act to amend the charter of the bank of the state of Alabama; An act to repeal in part an act, entitled an act to establish certain counties therein named, and for other purposes, passed, Dec. 17, 1821, and for other purposes; An act to repeal in part an act, approved, Dec. 13, 1824, declaring Flint river, in Morgan county, a public highway.

A message from the Governor, by J. I. Thornton, secretary of state:
EXECUTIVE DEPARTMENT, JANUARY 7, 1826.

The hon. the Speaker and Members of the House of Representatives:

GENTLEMEN—I have the honor to transmit you the resignation of James Dellett, esq. as a Trustee of the University of Alabama, appointed in the first judicial circuit. I am, most respectfully, &c.

[Signed,]

JOHN MURPHY.

And then he withdrew. Which communication was laid on the table.

A bill, to be entitled an act making appropriations for certain claims against the state, was taken up, amended, and laid on the table.

Mr. Greening, from the committee appointed on the part of this

House, to confer with the committee from the Senate, on the disagreement between the two Houses, on the amendment proposed by the House of Representatives to the memorial to the Congress of the United States, reported, that they met the committee from the Senate; and after conversing freely on the amendment and its importance to the people of this state, come to the conclusion that it would be more correct to adopt the amendment as a separate memorial; and the committee from the Senate distinctly stated, that they would recommend to their house to adopt the amendment as a separate memorial; your committee, therefore, respectfully suggest to this House the propriety of adopting this resolution: "Resolved, that this House recede from their amendment to the memorial to the Congress of the United States;" which was concurred in—yeas 29, nays 28.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mt.	Conner	Greening	McLemore	Walthall
Bailey of La.	Crenshaw	Hallett	Morton	Weissinger
Barton of Mo.	Davis	Hickman	Pickens	Williamus
Barton of Tus.	Dellett	Inge	Sims	Tate
Brown	Dupuy	Martin of Li.	Thornton	29
Cac Creagh	Fluker	Mead	Tindall	

Those who voted in the negative, are

Mr. Speaker	Broadnax	King	Lewis	Oliver	Vining
Ambrister	Coleman	Mardis	Peyton		Warren
Baylor	Coopwood	Martin of Fr.	Saffold		Watson
Dexter	Edmondson	Martin of La.	Shotwell		White
Benson	Fitzpatrick	McNeill	Vaughan		28
Brandon	Jones	Neill			

Mr. Tate, from the committee on inland navigation, to whom was referred an engrossed bill from the Senate, to be entitled an act to provide for the improvement of the navigation of certain rivers therein named, reported the same with an amendment; in which report the House concurred.

A bill, to be entitled an act for the relief of purchasers of lots in the town of Cahawba, was read a second time, and ordered to be engrossed for a third reading.

A communication was received from his excellency the Governor, by James I. Thornton, secretary of state, and is as follows:

EXECUTIVE DEPARTMENT, January 7th, 1826.

The Hon. President and Members of the Senate.

GENTLEMEN—The present communication I make reluctantly, but from a sense of duty. I have for some time past, during your present session, revolved in my mind, the propriety of bringing to your view, the concern which we have in the proceedings on the late Indian treaty, by which the state of Georgia and this State acquired territory from the Creek Nation of Indians; the state of Georgia, the property and jurisdiction of the soil, this State the jurisdiction only. I have been fully sensible that it would require peculiar moderation, magnanimity & sober reflection, either to assert or prosecute our rights, so as to avoid any unjust animadversions on the one hand, or charges of undue regard to self-interest on the other. The excitement, which has elsewhere been felt, and which gave so much concern to the friends of the peace and harmony of the Union, and an unwillingness to appear upon the same troubled scene, gave motions not lightly to be disregarded, that the subject should not be touched, without very justifiable necessity. The treaty however has been, and still is, before the public; and should we prosecute the concern which we have in it, with moderation and liberality, becoming an enlightened and generous people, we shall acquit ourselves to

the satisfaction of those in whose service we are, and stand justified and respected, in the opinion of the other members of the confederation.—This treaty is acknowledged not to have been negotiated in good faith, and although duly ratified by the competent authorities, to be avoidable on account of fraud in the means by which it was obtained. With this question we have of course very little to do; we were not parties in the transaction, and are not constituted the judges of it; this is left to other powers, in which our high confidence may remain unimpaired—but should the treaty have been negotiated, in such a manner as to entitle it to the ordinary force and obligation of such compacts, this State has acquired rights under it, which neither the people of this State, or our brethren of the United States, would expect or wish us to abandon—should this treaty have been entered into in such manner as other Indian treaties, which have been sanctioned and continued of force, no refinements hitherto unpractised ought to operate to our prejudice, and deprive us of the right of our chartered limits, guaranteed by the constitution; a right which, in fact, involves population, revenue, strength, and respectability, in the scale of the Union. We have every reason to confide that nothing will be done derogatory to the justice and magnanimity of the United States, or injurious to the interests of this, or any other State, which can be avoided by much careful deliberation, or which lies beyond the reach of urgent necessity. There are however a combination of circumstances, a calculation of policy, an adjustment of beneficent purposes, a reconciliation of principles which may seem to conflict, which give to this question a novel character, and present it in an aspect altogether peculiar. It involves the rights and interests of States, the justice due to the aboriginal population, and the measures by which the munificence of the general government, may be most effectually & beneficially extended to them. We are rapidly approaching to a crisis in our affairs with a portion of the natives of the country; and it is high time to devise and to reduce to system, a just and well judging humanity, by which the future conduct of the United States towards them will be regulated. When chartered limits were assigned to the several states having Indian population, it does not seem to have entered into the contemplation of any one, that they would remain there fixed and permanent. Such had not been the constant experience; they had continually retired from our settlements, or had wasted away in the midst of us, without any valuable improvement in mind or morals. The Indians of the North and South, many nations of renown in their time, either became extinct, or wandered in scattered remnants, to take shelter with tribes which we had not yet approached, losing their name and the tradition of their former pride and power.—Under this experience, the States have been led to expect the speedy possession of their limits, and have gone on to make their local arrangements with reference to this desired consummation. What then can be done to justify the aspiring expectation of the States, and deliver the Indians from the consequences, hitherto fatal, which have resulted from a proximity to our population?—Or are we to suppose that the results in future will be different from the past? Or is it established, that any beneficent purpose which does honor to the general government, may be carried in to effect, in such a situation, to a greater extent, or with more facility, than in others which it is convenient to provide? These questions deserve a careful solution;—and with this view, it will be necessary to ascertain from what cause it has always been seen that their numbers rapidly decrease in the vicinity of civilized society. It is no doubt by the introduction of our vices, which are soon embraced, and have a strong and unresisted attraction, because the slow progress of morals and civilization among them, is unable to oppose any effectual restraint.—To civilize a people from a rude and barbarous condition, they should be removed from the influence of the vices and luxuries which prevail in civilized life, and subjected to that discipline and instruction, by which a change of life, manners and mental improvement, is gradually produced. The virtues must first be cultivated, and the mind strengthened against the seductions of vicious gratification. Such is the natural order of things, and experience only confirms, what theory might justly

predicate, on a correct knowledge of human nature. Such has been the evidence of history; for the Provinces farther removed from the vices, refinements and luxuries of Rome, but subjected to its laws, and instructed by its arts, made the most solid, if not the most immediate progress in civilization. This necessary course cannot be pursued with the Indians whilst they remain within our limits; they have continual access to whatever tends to corrupt them, they have constant testimony that their condition is regarded as inferior to others; than which nothing is more destructive to virtuous pride, and generous emulation; and the abandoned part of our people, who alone can mingle freely with the nation, as a body without losing their standing in society, will introduce our vices and prevent the introduction of our virtues, by which alone the deleterious effects of vice might be mitigated. We may therefore expect, as has been the case in all other instances, to see the rapid progress of the nation to extinction destroyed by our example which they will soonest imitate, and preyed upon by those among themselves, who attain to greater improvement of mind, and especially learn to better effect, the arts and the cunning, by which self interest, unrestrained by the correct influences of a higher order of society, appropriates to itself, the rights and benefits to which others are entitled. What then is to be done for this people, who had priority of us, in the occupation of this favored land? Must then the increase of our population, and the progress of improvement among us, continue to blot out their names from the catalogue of nations, and leave only faint traces of history, that they ever had an existence? We should provide living monuments to shew the liberality of our institutions towards the natives, and proudly boast of nations rescued from barbarism by our means, and exalted, from so low an estate, to the high standing and happiness of enlightened communities. This it would seem can only be done, subdivided and circumscribed as the Indian nations among us now are, by establishing them within limits of their own, guaranteed by the general government; and by extending to them the protection of our arms, the patronage of our power, the benefits of learning, the knowledge of agriculture and the arts, and the humane influences of religion. In such a situation they might become gradually subject to our laws, and indeed a change of their civil institutions, may be absolutely necessary to their speedy civilization, or at least to facilitate its progress. In limits of their own, they would be freed from the restlessness, agitation, and uncertainty which attend their present condition.— They must suppose they are at the mercy of superior power; that they oppose obstacles to the wishes of their neighbors; and that their situation is quite different, in point of right and stability, from that of the white population around them. It would be well to remove these impressions which must operate to their prejudice, and place them on a footing, in that respect, with the people of the United States. I agree entirely with the just and liberal views of my predecessor in office on this subject, that the United States should assume a parental guardianship over them, and thus extend their beneficence, in such manner as best to promote the welfare of the Indians. The United States can lose nothing by the exercise of this care and humanity towards them; they themselves will furnish the means, according to the liberal policy which recognizes their right to the lands they occupy. The lands which they will relinquish within the chartered limits of the states, will sell for an amount which will reimburse the treasury, and afford an excess which ought to satisfy any reasonable expectation, from the national domain. To continue them where they are, to the great detriment of the several states, until they become extinguished, and thus surrender the whole of their lands, (which in effect it is believed would be the final result of such a measure) would neither comport with the justice, generosity, or humanity, of a liberal and christian people. The vast unoccupied regions, within the limits of the United States, afford every desirable facility for the present accomplishment of this purpose. The Indians should not be located within the limits of any state or territory, if it can be avoided, so that the recurrence of similar difficulty may be prevented in future. Let the Indians, a wandering, and hitherto, unsettled

portion of our species, acquire, under the auspices of the United States, and permanent habitation. This obvious policy had not been overlooked by the national councils; and it would seem that the present moment is very favorable for the commencement of the systems which may hereafter be predicated. The United States can lose nothing by us, even should we ask, that a settlement, if practicable, be made for the Indians, which will lead to the relinquishment of their title within our limits, at least to the extent of the treaty, if the Indians received too little consideration under it, for the land so relinquished, that the consideration be made ample and sufficient; and the treaty be sustained, if this be the ground of complaint. We ask not justice or humanity due to the Indians; we sincerely wish and would contribute to their improvement and happiness. But we have interest if there may be, by a well matured system, a due attention to our interests, we have a claim which will not be denied. I have only hastily upon the outlines of this subject, being engaged in other duties, and waiting for more precise information; and yet must claim your indulgence in length, as well as imperfection of the present communication. My remarks, however, will be easily seen, which is to invite your attention, to make representation to the government of the United States, as this subject, in various hearings, may seem to your wisdom to require. The temperateness of our opinions, and views, will be kindly received by the national authorities whose justice and liberality we have had constant experience.

I have the honor to be, very respectfully, &c.

JOHN MUIR

Ordered, that the same be referred to a select committee, of Messrs. Benson, Oliver, Pickens, Creagh and Martin of Frederick and report thereon. *Ordered*, that one hundred and twelve copies be printed for the use of this House.

Mr. Vining, from the select committee, to whom was referred in progress before this House, respecting the emancipating of slaves therein mentioned, reported the same in two separate bills, and beg leave to recommend to the House the propriety of trying the same by sections, on the second reading.

A bill, to be entitled an act to emancipate Nancy Powell, and her infant son, Thomas, was read a second time, and ordered to be engrossed for a third reading. A bill, to authorize Isaac to emancipate a certain slave therein named, was read a second time, and ordered to be engrossed for a third reading.

Mr. Heard, from the committee on enrolled bills, reported, that he had examined and found correctly enrolled, bills of the following ten to wit: An act making provision for the accommodation of the General Assembly; An act for the relief of Lewis Houser; An act for the relief of Thos. Hearne; An act providing for the removal of certain public offices to the town of Tuskaloosa; An act to better organize the militia of the counties of Covington & Dale; An act for the emancipation of a negro man slave named Peter; An act to alter the several laws in this state to suppress the evil practice of duelling.

On motion of Mr. Barton, of Tusk., *Be it resolved*, that this House will adjourn *sine die* on — next, provided the Senate shall concur in the adoption of this resolution. Mr. Mead offered the following amendment: Provided that this House is not ready and willing to concur sooner, and provided also, that the joint committee to examine the affairs of the bank of the state, do make their report on or before the next time; which said resolution was postponed until Monday next.

Mr. Greening, from the select committee, to whom was referred

joint resolution instructing our Representatives in Congress to procure the passage of a law to reduce the price of the public lands after they have been offered at public auction, & also to use their best endeavors to procure for this state the lands to which the Indian title was extinguished by the treaty of the Indian springs, and to prevent the settlement of the Indians heretofore residing in Georgia, within the limits of this state: Reported in lieu thereof, A memorial to the Congress of the United States; which was referred to a select committee, consisting of Messrs. Benson, Oliver, Pickens, Creagh and Martin of F. to consider and report thereon.—The House adjourned for one hour.

Evening Session. Engrossed bill from the Senate, to be entitled an act to provide for the removal of the bank of the state of Alabama to Tuscaloosa, was laid on the table.

Mr. Bridges, from the select committee, to whom was referred a bill to be entitled an act to exempt certain persons therein described from taxation, reported a bill in lieu thereof to be entitled an act to exempt invalids from paying poll tax, which was read a second time, and ordered to be engrossed for a third reading. *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled an act to provide for the appointment of a public weigher for the town of Blakeley, by adding thereto an additional section. *Ordered*, that the House concur in the amendment made by the Senate to the bill to be entitled an act to exempt school masters, teachers, and students, from military duty & for other purposes, by striking out the 2d sec. of the bill.

Engrossed bills of the following titles, to wit: An act to incorporate the trustees of the Tuscumbia academy, in Franklin county; and an act for the relief of certain persons therein referred to, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid, and that the same be sent to the Senate for concurrence.

Mr. Fluker moved that the House reconsider a vote taken on concurring with the report of the committee on inland navigation, to whom was referred an engrossed bill from the Senate to be entitled an act to provide for the improvement of the navigation of certain rivers therein named, which was determined in the negative—yeas 18, nays 36.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Coe	Edmondson	Martin of La.	Thornton
Bailey of La.	Conner	Fluker	Martin of Li.	Tindall
Barton of Tu.	Creagh	King	McNeill	Vining 19
Braden	Davis	Martin of Fr.	Sims	

Those who voted in the negative, are

M. Armbrister	Coleman	Hallett	Morton	Tate
Barton of Mo.	Cook	Hickman	Neill	Vanghan
Baxter	Coopwood	Inge Jones	Oliver	Walthall
Benson	Crenshaw	Lewis Lyon	Peyton	Weissinger
Bridges	Dellett	Mardis	Pickens	White
Broadnax	Dupuy	Mead	Saffold	Williams 36
Brown	Greening	McLemore	Shotwell	

Message from the Governor, by J. I. Thornton, secretary of state:—Mr. Speaker, I am instructed by the Governor to inform your honorable body, that he did on the 6th inst. approve and sign, An act for the relief of Henry Fountain; An act to incorporate the trustees of the Lafayette academy in the village of Lagrange; An act to extend the corporate limits of the town of Moulton and for other purposes. The act to divorce Nancy Gillespie from Andrew S. Gillespie, has become a law without the signature of the Governor, according to the provisions of the constitution of this state, and then he withdrew.

Mr. Heard from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit: An act regulating judicial proceedings and for other purposes; An act to provide a speedy remedy against the obligors in injunction bonds; An act to incorporate the trustees of Moulton academy; An act to locate the seat of justice for Fayette county; An act to provide against an unnecessary detention of grand juries and for other purposes; An act for the relief of David Tate and others.

Engrossed bill from the Senate entitled an act to provide for the improvement of the navigation of certain rivers therein named. *Mr. Martin of F. moved that the further consideration thereof be indefinitely postponed, which was carried—yeas 33—nays 23.*

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Bridges	Dellett	McLemore	Shotwell
Armbrister	Broadnax	Greening	McNeill	Vaughan
Bailey of Mt.	Brown	Jones King	Oliver	Vining
Baxter	Coleman	Lewis	Peyton	Walthall
Benson	Cook Conner	Martin of F.	Pickens	Weissinger
Brandon	Crenshaw	Martin of La.	Saffold	White 33

Those who voted in the negative, are

Bailey of La.	Coopwood	Ballitt	mead	Thornton
Barton of Mo.	Davis	Hickman	Morton	Tindall
Barton of T.	Edmondson	Large	Neill	Warren
Coe	Crough	Fluker	Martin of La.	Snook
				Tate
				Williams 23.

Engrossed bill from the Senate entitled an act to amend an act regulating the licensing of physicians to practice and for other purposes passed, Dec. 22, 1825, was read a 1st time, & ordered to be read a 2d time.

Message from the Governor, by J. I. Thornton, secretary of state:

Mr. Speaker, I am instructed by the governor, to inform your honorable body that he did this day, approve, and sign bills of the following titles, to wit: An act to establish a permanent seat of justice in the county of Jackson, and for other purposes; An act concerning taxes in mobile county; An act to incorporate the town of Florence, in the state of Alabama; An act to provide for the payment of petit jurors in the counties of Blount, Montgomery, mobile, and Baldwin, and for other purposes. A joint resolution relating to the boundary line between the state of Alabama, and the state of Georgia. A joint resolution memorializing Congress in relation to certain public works therein named; all of which originated in this House. And then he withdrew. Engrossed bill from the Senate, entitled an act making provision for the accommodation of the next General Assembly, was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr. Davis moved that the House reconsider a vote taken on concurring with the report of the select committee of conference, to whom was referred the memorial to the Congress of the United States, on the subject of the purchase of public lands on the disagreement of the two Houses, as to the amendment made by this House to said memorial.

The House adjourned till half past 6 o'clock this evening.

Half past 6 o'clock. On motion of *Mr. Morton*, *Resolved*, that the Senate now be invited to assemble in the Representative Hall, for the purpose of going into the election of a harbour master and four wardens for the port of mobile, and a judge of the county court for the county of Conecuh, agreeably to a joint resolution, and that the west end of the House be appropriated for their reception.

The Senate having repaired to the Hall of the House of Representatives, both Houses proceeded to the election of a harbor master and four wardens for the port of Mobile; Daniel McGibbon being in nomination for harbor master, and Henry Gunnison, Joseph W. Moore, Samuel G. Swift and Russell W. Lewis, in nomination for wardens of the port of Mobile—for Mr. McGibbon 59, Gunnison 59, Moore 59, Swift 59, and Lewis 59, votes. Those who voted for Mr. McGibbon for harbor master, and Messrs. Gunnison, Moore, Swift and Lewis, for wardens, are

Mr. President	Vanhouse	Coleman	Jones	Shotwell
Ash	Mr. Speaker	Cook	King	Tate
Bagby	Armbrister	Conner	Lewis	Thornton
Brown	Bailey of La.	Coopwood	Lyon	Tindall
Clay	Barton of Mo.	Creagh	Mardis	Vaughan
Crawford	Barton of Lu.	Creusshaw	Martin of F.	Vining
Gaines	Baylor	Davis	Martin of Li.	Walthall
Jones	Baxter	Dupuy	Morton	Warren
McComy	Brauden	Edmondson	Neill	Weissinger
Merriwether	Bridges	Floker	Oliver	White
Miller	Brown	Hickman	Peyton	Williams 59
Powell	Coe	Inge	Pickens	

Daniel McGibbon having received a majority of the whole number of votes, was declared to be duly elected harbor master, and Messrs. Gunnison, Moore, Swift & Lewis, were declared to be duly elected wardens for the port of Mobile.

The two Houses then proceeded to elect a judge of the county court of Conecuh county; John Deane being in nomination—for Mr. Deane 60 votes. Those who voted for Mr. Deane, are the same as those who voted in the election of harbor master and wardens for the port of Mobile, and Mr. Dellett in addition. John Deane having received a majority of all the votes, was declared, by Mr. Speaker, to be duly elected judge of the county court of Conecuh county. The Senate withdrew—and then the House adjourned till Monday morning 9 o'clock.

Monday, January 9, 1826.

Ordered, that Mr. Walthall, a member from Perry county have leave of absence for the remainder of the session.

Engrossed bills from the Senate of the following titles, to wit: An act to locate the seat of justice for Fayette county; An act for the relief of David Tate and others; An act to incorporate the Coosawda academy in the town of Coosawda, were severally read a second time, and the rule requiring bills to be read on three several days, being dispensed with, four-fifths of the members present voting in the affirmative, they were severally read a third forthwith time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr. Heard, from the committee on enrolled bills, reported that he had examined and found correctly enrolled bills of the following titles, to wit: An act to establish certain election precincts therein named; An act to repeal an act entitled an act the more effectually to ensure the testimony of absent witnesses by interrogatories; An act to change the names of, and legitimate certain persons therein named; An act to authorize the judge of county court and commissioners of revenue and roads of Lauderdale county, to levy a tax for the purposes therein specified; An act establishing schools in the county of mobile; An act to alter the manner of electing major and brigadier generals; An act to authorize certain persons therein named to raise by lottery a certain sum of money, for the purposes therein contained; An act to provide for the appointment of a public weigher in the town of Blakeley.

Mr. Dellett, from the judiciary committee, to whom was referred a

bill from the Senate, to be entitled an act for the better selecting, drawing and summoning jurors, *reported* the same without amendment.

Mr. Dellett, from the judiciary committee, to whom was referred a bill to be entitled an act to repeal and amend in part an act to regulate the rate of interest, passed, Dec. 17, 1819, *reported* the same without amendment.

Engrossed bill to be entitled an act for the relief of purchasers of lots in the town of Cahawba, was read a third time. Mr. Martin of Lime. moved that the further consideration thereof be postponed till the first day of the next session of the General Assembly, which was lost. Yeas 19, nays 37

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Armbrister	Coe	Fluker	Neill	Vining
Bailey of La.	Conner	Hickman	Shotwell	Warren
Baxter	Coopwood	Martin of Fr.	Tate	White—19.
Brandon	Davis	Martin of Li.	Tindall	

Those who voted in the negative, are

Mr. Speaker	Broadnax	Edmondson	Martin of La.	Pickens
Bailey of Mt.	Brown	Greening	Mead	Saffold
Barton of Mo.	Coleman	Heard	McLemore	Thornton
Barton of Tus.	Cook Creagh	Inge Jones	McNeill	Vaughan
Baylor	Crenshaw	King	Morton	Weissinger
Benson	Dellett	Lewis Lyon	Oliver	Williams—37.
Bridges	Dupuy	Morris	Peyton	

Mr. Kelly then moved to amend said bill, by way of engrossed rider, which was carried. Mr. Crenshaw moved to fill the blank where it occurs in said bill, with the word *fifty*, which was lost. Yeas 25, nays 28.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Bridges	Crenshaw	Mead	Peyton
Bailey of Mt.	Broadnax	Dellett	McLemore	Pickens
Barton of Mo.	Brown	Greening	McNeill	Saffold
Baylor	Cook	Lewis	Morton	Thornton
Benson	Creagh	Lyon	Oliver	Weissinger

Those who voted in the negative, are

Mr. Armbrister	Coopwood	Hickman	Neill	Vining
Bailey of L.	Davis	Inge	Shotwell	Warren
Baxter	Dupuy	Jones	Sims	White
Coe	Edmondson	Martin of Fr.	Tate	Williams, 23
Coleman	Fluker	Martin of La.	Tindall	
Conner	Heard	Martin of Li.	Vaughan	

Mr. Hickman then moved to amend the same by way of engrossed rider, which was carried. Mr. Crenshaw then moved to fill the blank with the words *forty-five*, which was lost. Yeas 27, nays 30.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Bridges	Dellett	Mead	Peyton
Bailey of Mt.	Broadnax	Greening	McLemore	Pickens
Barton of M.	Brown	Hallett	McNeill	Saffold Sims
Baylor	Cook Creagh	Lewis	Morton	Thornton
Benson	Crenshaw	Lyon	Oliver	Weissinger 27

Those who voted in the negative, are

Mr. Armbrister	Brandon	Coopwood	Fluker	King
Bailey of La.	Coe	Davis	Heard	Martin of Fr.
Barton of T.	Coleman	Dupuy	Hickman	Martin of La.
Baxter	Conner	Edmondson	Inge Jones	Martin of Li.

Neill	Tate	Vaughan	Warren	Williams 50.
Shotwell	Tindall	Vining	White	

Mr. Morton then moved to fill the blank with the word *forty*, which was lost. Mr. Morton then moved to fill the said blank with the words *thirty-seven and a half*, which was carried—Yeas 33, nays 24.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Hallett	McLemore	Saffold Sims
Bailey of Mt.	Brown	Heard	McNeill	Tate
Barton of Mo.	Cook Creagh	Jones	Morton	Thornton
Baylor	Crenshaw	Lewis	Neill Oliver	Vaughan
enson	Dilleit	Lyon	Peyton	Weissigner
Bridges	Greening	Mead	Pickens	Williams 55

Those who voted in the negative, are

Mr. Armbrister	Coe	Dupuy	Martin of Fr.	Vining
Bailey of La.	Coleman	Edmondson	Martin of La.	Warren
Barton of T.	Conner	Fluker	Martin of Li.	White 24
Baxter	Coopwood	Hickman	Shotwell	
Brandon	Davis	Inge	Tindall	

Said bill was then passed. *Ordered*, that the title of the same be an act for the relief of the holders of lots in the town of Cahawba, and that the same be sent to the Senate for concurrence.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate recede from their amendments to the bill entitled an act for the relief of the Mobile and Tombeckbe banks, against certain penalties heretofore incurred. They have read three times and passed a bill, which originated in your House, entitled an act for the relief of James Frazier, late tax collector of Franklin county. They concur in the report of the committee of conference, appointed on the disagreement of the two Houses upon the amendment made by your honorable body to the memorial to the Congress of the United States, praying further relief to the purchasers of public lands. And then he withdrew.

A message from the Governor, by James I. Thornton, secretary of state: *Mr. Speaker*, I am instructed by the Governor to inform your honorable body, that he did, on the seventh instant, approve and sign the following bills, to wit; an act to incorporate the town of Pickens, in the county of Pickens; an act to authorize the raising, by lottery, a sum of money for the purposes therein specified; an act to incorporate Milton Academy, in the town of Montgomery, and to empower the trustees of the same to establish a lottery or lotteries; an act to authorize the judge of the county court of Washington county and commissioners of revenue and roads to levy a special tax for the purpose therein named, and for other purposes—all of which originated in this House. And then he withdrew.

A bill to be entitled an act making appropriations for certain claims against the state, was read a second time as amended, and ordered to be engrossed for a third reading. And then the House adjourned for one hour.

Evening Session. Engrossed bills from the Senate of the following titles, to wit: An act to incorporate the trustees of Moulton academy; An act to incorporate the trustees of Concord academy, in Greene county; An act to authorize the commissioners of the sixteenth section therein named, to appropriate the proceeds thereof to the aid and support of

the Concord academy; An act to incorporate the school commissioners of the 4th township, and 8th range, west from Huntsville, and for other purposes; An act to provide against an unnecessary detention of grand juries, and for other purposes; An act to provide for reviving actions of trespass; An act to amend the act, entitled an act to prevent immoral and disorderly conduct at places of religious worship; An act concerning the Tombeckbe bank; And an act to extend the time for appointing overseers of roads and apportioners of hands in this state, and for other purposes, were severally read a second time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, they were severally read a third time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr. Brandon moved that the House do now take up a bill to be entitled an act to establish an office of discount and deposit of the bank of the state of Alabama, which was lost. Yeas 23, nays 26.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Crenshaw	Martin of Fr.	Peyton	Vining
Armbrister	Edmondson	Martin of La.	Saffold	White
Baxter	King	Martin of Li.	Sims	Williams
Brandon	Lewis	McNeill	Thornton	
Coopwood	Lyon	Morton	Tindall	

Those who voted in the negative, are

Bailey of L.	Broadnax	Dupuy	Mead	Shotwell
Barton of Mo.	Brown	Coe	Heard	McLemore
Barton of Tus.	Coleman	Hickman	Neill	Oliver
Benson	Conner	Inge	Pickens	Warren
Bridges	Creagh	Jones		Weissinger

Engrossed bill from the Senate, entitled an act to provide for the removal of the bank of the state of Alabama to Tuscaloosa, was taken up, read a second time, and ordered to be read a third time. On a call of the House, there were absent Mr. Bailey of M. and Baylor.

Engrossed bill from the Senate, to be entitled an act to authorize the courts to require security for costs, was read a second time. Mr. Creagh moved that the further consideration thereof be indefinitely postponed, which was carried. Yeas 24, nays 16.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Coe	Fluker	McNeill	Thornton
Armbrister	Coleman	Hickman	Neill	Tindall
Baxter	Cook	Inge	Oliver	Vaughan
Benson	Coopwood	Jones	Pickens	Vining
Brandon	Creagh	King	Saffold	Warren
Broadnax	Crenshaw	Martin of Fr.	Shotwell	Weissinger
Brown	Dupuy	McLemore	Sims	

Those who voted in the negative, are

Barton of Mo.	Edmondson	Lyon	Morton	White
Barton of T.	Heard	Martin of Li.	Peyton	Williams
Bridges	Lewis	Martin of La.	Tate	
Conner		Mead		

Mr. Martin of L. from the select committee, to whom was referred a bill to be entitled an act requiring the judges of the circuit court to alternate, *report* the same with amendments; in which report the House concurred. Said bill was then read a second time as amended, and ordered to be engrossed for a third reading.

Engrossed bill from the Senate, to be entitled an act to repeal in part and amend in part an act, restricting officers from taking commissions on costs collected by them on executions, passed, Dec. 31, 1823, was read a second time, and ordered to be read a third time.

Engrossed bills from the Senate, of the following titles, to wit: An act to authorize sheriffs to serve notices; and An act concerning justices of the peace and constables in Mobile county, were severally read a second time, and ordered to be read a third time.

Engrossed bill from the Senate, entitled an act to repeal an act to abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned, was read a second time, and the question being put, shall this bill be read a third time? it was determined in the negative.

Mr. Creagh moved to reconsider a vote given in ordering to a third reading the engrossed bill from the Senate, entitled an act to repeal in part and amend in part an act restricting officers from taking commissions on costs collected by them on executions, passed, Dec. 31, 1823. Said bill then being on its 2d reading. Mr. Creagh moved to amend the same, after the word *precepts* in the second section and insert *of suitable entry and detainer*, which was carried, and the rule requiring bills to be read on three several days, being dispensed with, four-fifths of the members present voting in the affirmative, and the said bill was read a third time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, entitled an act to repeal in part and amend an act entitled an act to increase the compensation of judges, passed, Dec. 23, 1823, was read a second time. Mr. Oliver moved to amend the same by adding after the word *Marion*, the word *Covington*, which was carried; and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a third time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Message from the governor, by Jas. I. Thornton, secretary of state: *Mr. Speaker*, I am instructed by the governor to inform your honorable body, that he did this day approve and sign the following bills; to wit: An act providing for the registration of deeds, grants, &c. An act to authorize Green Collier to erect a dam across Flint river, in Madison county, and for other purposes; An act regulating elections; An act to amend an act, entitled an act to alter and amend the charter of incorporation of the city of Mobile; An act to authorize Wm. R. Parker to emancipate a certain slave therein named; An act to amend an act entitled an act to establish a certain road therein named; all of which originated in this House. And then he withdrew.

Mr. Greening presented the report of the adjutant-general of the Alabama militia, which was laid on the table.

Engrossed bills from the Senate, of the following titles, to wit: An act declaring big-loss creek a public highway; and An act to provide a speedy remedy against the obligors in injunction bonds, were severally read a 3d time and passed. *Ordered* that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate entitled an act for the relief of John H. Campbell, was read a 2d time: Mr. Creagh moved that the further consideration thereof be indefinitely postponed, which was lost—yeas 18, nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of L.	Coopwood	Jones	Pickens	Vining
Benson	Creagh	Martin of E.	Saffold	Weissinger
Brandon	Crenshaw	McLemore	Shiptwell	
Brown	Delleff	Oliver	Tate	

Those who voted in the negative, are

Mr. Speaker	Cook	Heard	Mead	Vaughan
Armbrister	Conner	Hickman	McNeill	Warren
Barton of Mo.	Davis	Inge	King	Morton
Barton of T.	Dupuy	Lewis	Peyton	Sims
Baxter	Edmondson	Martin of Li.	Thornton	Williams--30
Coleman	Fluker	Martin of La.	Tindall	

Said bill was then ordered to be read a 3d time.

Engrossed bill from the Senate entitled an act to repeal in part an act entitled an act for the punishment of crimes and misdemeanors, was read a 2d time: *Mr. Davis* moved that the further consideration thereof be indefinitely postponed, which was carried—yeas 42, nays 10.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Armbrister	Brown	Greening	McNeill	Vaughan
Bailey of La.	Gee	Heard	Oliver	Vining
Barton of T.	Coleman	Hickman	Peyton	Warren
Baylor	Cook	Inge	Jones	Pickens
Baxter	Coopwood	Lewis	Lyon	Saffold
Coleman	Davis	Dupuy	Martin of F.	Shiptwell
Bridges	Edmondson	Martin of La.	Sims	Tate
Broadnax	Fluker	McLemore	Thornton	

Those who voted in the negative, are

Mr. Speaker	Benson	Creagh	Martin of Li.	Morton
Barton of T.	Conner	Delleff	Mead	Tindall

Engrossed bill from the Senate entitled an act to amend an act entitled an act concerning dower, was read a 2d time: *Mr. Creagh* moved that the further consideration thereof be indefinitely postponed, which was carried.

Engrossed bill from the Senate entitled an act to amend the act entitled an act regulating judicial proceedings and for other purposes, was read a 2d time: *Mr. Baxter* moved that the further consideration thereof be indefinitely postponed, which was lost—yeas 12, nays 39.

The yeas and nays being called, those who voted in the affirmative, are

Mr. Armbrister	Cook	King	McLemore	Peyton	Pickens	Weissinger
Baxter	Martin of Li.	McNeill	Shiptwell			White 12

Those who voted in the negative, are

Mr. Speaker	Brown	Dupuy	Lewis	Tate
Bailey of L.	Gee	Edmondson	Lyon	Thornton
Barton of Mo.	Coleman	Fluker	Martin of La.	Tindall
Barton of T.	Conner	Greening	Mead	Vaughan
Baylor	Coopwood	Heard	Morton	Vining
Benson	Creagh	Hickman	Oliver	Warren
Bridges	Crenshaw	Inge	Saffold	Williams 39
Broadnax	Davis	Jones	Sims	

Mr. Baylor moved to amend the bill by inserting after the word *decendent*, in the 4th section of the bill, the words *at the time of his death*, which was carried. The rule requiring bills to be read on three several days being dispensed with, the bill was read a 3d time forthwith and passed. Ordered that the clerk acquaint the Senate therewith.

Engrossed bill to be entitled an act making appropriations for cer-

tain claims against the state, was read a third time. Mr. Bridges moved to amend the same by way of engrossed rider, which was carried. Mr. Lyon moved to amend the same by way of engrossed rider, which amendment was read a first time, and on the question being put, shall this amendment be read a second time? it was determined in the affirmative—yeas 29, nays 21.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Flaker	Lyon	Oliver
Barton of Mo.	Coe - Cook	Greening	Martin of F.	Pickens
Barton of T.	Creagh	Heard	Martin of La.	Thornion
Benson	Crenshaw	Hickman	Martin of Li.	Vaughan 29
Brandon	Davis	Inge	Mead	
Bridges	Edmondson	Lewis	McLemore	

Those who voted in the negative, are

Mr. Armbrister	Coleman	Jones	King	Sims	Tate	Weissinger
Bailey of L.	Comer	Neill		Tindall		White
Baxter	Campwood	Peyton		Vining		Williams 21.
Brown	Dupuy	Shotwell		Warren		

The said amendment was then read a second and third time and adopted. Mr. Creagh moved to amend the said bill by way of engrossed rider, which was carried. Mr. Crenshaw then moved to amend said bill by way of engrossed rider, which was carried, and the bill was passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for concurrence.

And then the House adjourned till tomorrow morning 9 o'clock.

Tuesday, January 10, 1826.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed bills, which originated in their House, entitled an act for the relief of William Holbrooks; an act to repeal sundry militia laws; an act to alter and extend the time of holding certain circuit courts therein named, and for other purposes—in all of which they desire your concurrence. They have also read three times and passed bills, which originated in your honorable body, entitled an act to divorce William Gates from Susannah Gates; an act to divorce Sarah Wall from James Wall; an act to divorce William Roundtree from Sally Roundtree, his wife; an act to divorce Naomi Pond from her husband, Stephen Pond; an act to divorce Deborah Dickson from her husband, Samuel Dickson; an act to divorce Louisa Trouilett from her husband, Pierre L. Trouilett; an act to divorce Samuel Payne from his wife, Elizabeth Payne; an act better to secure the revenue arising from licenses granted to tavern keepers and others; an act in relation to the organization of Dale county; an act to repeal in part and amend an act entitled an act to fix the seat of justice and levy a tax to build a court house and jail in Washington county, passed, December 23, 1815; an act authorizing the citizens of Sommerville to elect a justice of the peace; an act for the adjustment of outstanding accounts, and to compel the payment into the treasury of monies heretofore and now retained by public defaulters, and which may hereafter be detained; an act to amend the several acts now in force respecting the town of Montgomery; an act to incorporate the trustees of Tusculumbia Female Academy in Franklin county; an act to establish a permanent road from Florence in Lauderdale county, to Athens, in the county of Limestone, and have amended the same by ad-

bring the name of Joseph Bell as one of the commissioners—in which amendment they desire your concurrence. They have also passed a bill which originated in this House, entitled an act to regulate the navigation of certain rivers in this state by steam-boats, and have amended the same in the manner herewith shewn, in which amendments they also desire your concurrence. They have also passed a bill, which originated in this House, entitled an act to prevent sheriffs, coroners and constables, purchasing property at their own sales, and for other purposes, and have amended the same by striking out all the bill after the enacting clause, except the second section, and by amending the title in the manner herewith shewn—in which amendments they desire your concurrence. They have also passed a bill, which originated in this House, entitled an act respecting rents in the city of Mobile, and have amended the same in the manner herewith shewn—in which they also desire your concurrence. And then he withdrew.

Mr. Tate presented the petition of sundry inhabitants of the counties of Franklin, Lawrence, Limestone and Madison, praying an appropriation for the building of a certain bridge therein named; which was referred to the committee on roads, bridges and ferries.

Mr. Vining, from the committee on propositions and grievances, to whom was referred the petition of James W. Armstrong, praying to be refunded a certain sum of money therein mentioned, *reported*, that they deem it inexpedient, at this time, to grant the prayer of the petitioner, inasmuch as they have no satisfactory evidence on that subject, and asked leave to be discharged from the further consideration of said petition; which was granted.

Ordered, that the House concur in the amendments made by the Senate, to the bill to be entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone, by inserting the words *and Joseph Bell*, after the word *Davis*, in the first section of the bill.

Ordered, that the House concur in the amendments made by the Senate, to the bill to be entitled an act to regulate the navigation of certain rivers, in this state by steam boats, by striking out of the third line of the first section, the words *the first January next*, and inserting *the passage of this act*, in lieu thereof; and also by striking out, in the fifteenth line of the first section of this bill, from the word *upon*, to the word *therein*, inclusive; and by striking out the words *first day of January next* in the third line of the second section of the bill, and inserting in lieu thereof, the words *passage of this act*; and also by adding an additional section to the bill.

Engrossed bill to be entitled an act to prevent sheriffs, coroners and constables, purchasing property at their own sales, and for other purposes—Mr. McLemore moved that the House disagree to the amendment made by the Senate to the same, as far as relates to the striking out of the first section of the bill. *Ordered*, that the House disagree to the amendment made by the Senate, in changing the title of said bill, and that the clerk acquaint the Senate therewith.

Ordered, that the House concur in the amendments made by the Senate to the bill to be entitled an act respecting rents in the city of Mobile, by inserting in the sixteenth line of the first section, the words *and the property levied upon shall be*, after the word *county*; and by adding an additional section thereto; and also by adding to the caption of the bill, the words *and for other purposes*.

Engrossed bill from the Senate, to be entitled an act to alter and extend the time of holding certain circuit courts therein named, and for other purposes, was read a first time; and the rule requiring bills to be read on three several days being suspended, four-fifths of the members present voting in the affirmative, said bill was read a second time forthwith, and referred to a select committee, consisting of Messrs. Barton of Tus. Baylor, Lewis and Creagh.

Engrossed bill from the Senate, entitled an act to provide for the removal of the Bank of the State of Alabama to Tuscaloosa, was read a third time & passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, entitled an act to repeal sundry militia laws, was read a first time; and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a second time forthwith, and referred to the military committee.

Engrossed bill, to be entitled an act to establish an office of discount and deposit of the Bank of the State of Alabama, was taken up and read a third time—Mr. Kelly moved to fill the 1st blank, where it occurs in the bill, with the word *Huntsville*; which was lost, yeas 27, nays 28.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Brandon	Edmondson	Martin of La.	Thornton
Armbrist	Brown	Heard	Martin of Li.	Tindall
Bailey of L.	Conner	Inge King	Morton	Vining
Barton of T.	Davis	Lewis Lyon	Neill	White
Baxter	Dupuy	Martin of Fr.	Peyton	Williams 27

Those who voted in the negative, are

Mr. Bailey of Mr.	Coe	Cook	Dellitt	McLemore	Shotwell
Barton of Mo.	Coleman	Fluker	McNeill	Sims	Tate
Benson	Coopwood	Greening	Oliver	Vaughan	
Bridges	Creagh	Hickman	Pickens	Warren	
Broadnax	Crenshaw	Jones Mead	Saffold	Weissinger 28	

Mr. Hickman then moved that the further consideration of the same be indefinitely postponed; which was carried—yeas 33, nays 22.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Armbrister	Brown	Coe	Fluker	McLemore	Sims
Bailey of Mr.	Coleman	Greening	McNeill	Thornton	
Barton of Mo.	Cook	Hallett	Oliver	Vaughan	
Benson	Coopwood	Hickman	Pickens	Warren	
Bridges	Crenshaw	Jones King	Saffold	Weissinger	
Broadnax	Dupuy	Lyon	Shotwell	White 33	

Those who voted in the negative, are

Mr. Speaker	Brandon	Heard	Martin of Li.	Peyton	Tate
Bailey of L.	Conner	Inge Lewis	Mead	Tindall	
Barton of T.	Davis	Martin of Fr.	Morton	Vining	
Baxter	Edmondson	Martin of La.	Neill	Williams 22	

And then the House adjourned for one hour.

Mr. Martin, of F. offered the following resolution, *Resolved*, that a committee of three members be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on his excellency the governor, informing them that the Legislature have gone through all the business before them, and that if he has no further communication to make they will be ready to adjourn tomorrow evening, *sine die*. Mr. Weissinger moved that said resolution be laid on the table, which was lost. Mr. Martin of La. then moved that the same be postponed till tomorrow, which was carried.

Mr. Martin of F. offered the following resolution, *Resolved*, that this House with the concurrence of the Senate, adjourn on tomorrow evening, without day, and that the Senate be informed instantler.

Mr. Williams moved that said resolution be postponed till tomorrow, which was carried. Yeas 29, nays 19.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Barton of Tus.	Coopwood	Martin of La.	Thornton
Armbrister	Baxter	Craigh, Dupuy	McLemore	Vining
Bailey of Mt.	Bridges	Edmondson	Mead	Morton
Bailey of La.	Brown	Hallett	Oliver	Peyton
Barton of No.	Coe	Conner	Jones	Lewis
			Saffold	

Those who voted in the negative, are

Mr. Benson	Davis	Hickman	McNeill	Vaughan
Brandon	Fluker	King	Neill	Warren
Broadnax	Greening	Lyon	Sims	White—19.
Coleman	Head	Martin of F.	Tindall	

Mr. Davis moved a reconsideration of a vote given on a bill to be entitled an act to provide for the removal of the Bank of the state of Alabama to Tuscaloosa, which was lost—Yeas 19, nays 30.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Greening	Oliver	Shotwell
Armbrister	Davis	King	Peyton	Vaughan
Baxter	Dellon	Lewis	Pickens	Weissinger
Benson	Edmondson	McNeill	Saffold	19.

Those who voted in the negative, are

Mr. Bailey of Mt.	Coe	Cook	Fluker	Martin of La.	Tindall
Bailey of L.	Coleman	Hallett	Head	Mead	Vining
Barton of Mt.	Conner	Head	McLemore	Warren	
Barton of T.	Coopwood	Hickman	Neill	White	
Bridges	Craigh	Luge	Sims	Williams, 30	
Brown	Dupuy	Jones	Thornton		

Mr. Hickman offered the following resolution: *Resolved*, that the House of Representatives, with the concurrence of the Senate, will proceed this evening, at the hour of 7 o'clock, to the election of a President and directors, in pursuance of the law passed at the present session of the general assembly, which was laid on the table.

Engrossed bill from the Senate entitled an act to repeal an act, passed Dec. 31, 1823, appropriating the monies arising from fines and forfeitures in Madison county, to Greene academy, was read a 3d time. Mr. Vining moved to amend the same by way of engrossed rider, which was carried, and then the bill was passed. *Ordered* that the clerk acquaint the Senate therewith. Engrossed bill from the Senate to be entitled an act to repeal an act entitled an act to regulate proceedings in chancery suits, was read a 3d time and laid on the table.

Mr. Benson from the select committee to whom was referred the message of the Gov. in relation to Indian affairs, and also a resolution on the same subject, reported the same without amendment, and asked leave to be discharged from the further consideration of the said message, inasmuch as the resolution now in progress before the legislature embraces the same object as contemplated by the message, which was agreed to.

Engrossed resolution from the Senate entitled, *Resolution* instructing our Senators and requesting our Representatives in Congress to use their best endeavors to procure the passage of a law to reduce the price of the public lands after they have been offered at public auction, &c. Mr. Greening moved to amend the title, by striking out the words *after they have been offered at public auction*, at the end of the title, and before &c. which was carried. Said resolution was then read a 2d time, and the rule requiring bills to be read on three several days be-

being dispensed with, the same was read a 3d time forthwith and passed. *Ordered* that the clerk acquaint the Senate therewith.

Engrossed bills from the Senate of the following titles, to wit: An act to enforce those provisions of the act entitled an act to establish a Bank in the town of Mobile, which relates to voting for directors; An act to repeal in part an act therein named; An act to alter the time of holding the county courts of the county of Greene; An act giving further time to persons holding claims against their respective counties to file the same; and An act to amend an act to regulate the licensing of physicians to practice and for other purposes, approved Dec. 22, 1823, were severally read a 2d time, and the rule requiring bills to be read on three several days being dispensed with, 4-5ths of the members present voting in the affirmative, they were severally read a 3d time and passed. *Ordered* that the clerk acquaint the Senate therewith.

Message from the governor, by James I. Thorton, secretary of state: *Mr. Speaker*, I am instructed by the governor, to inform your honorable body that he did on the 9th instant approve and sign An act, relieving from sale the university lands in the county of Tuscaloosa; An act supplementary to an act, entitled an act to establish the town of Semmerville, in the county of Catoosa, passed, Dec. 3, 1819; An act for the relief of the inhabitants of the first township, range seven, east of the basis meridian of Huntsville; also, that he did on this day (10th) approve and sign an act to repeal an act, entitled an act the more effectually to ensure the testimony of absent witnesses by interrogatories; An act to establish schools in the county of Mobile; An act to establish certain election precincts therein named; An act to alter the manner of electing major and brigadier generals; An act to authorize certain persons therein named, to raise by lottery a certain sum of money, for the purposes therein contained; An act to provide for the appointment of a public weigher, in the town of Blakeley; And an act to change the names of, and legitimate certain persons therein named; all of which originated in this House. And then he withdrew.

Engrossed bill from the Senate, entitled an act to repeal an act, entitled an act to regulate proceedings in chancery suits was then taken up. *Mr. Martin, of L.* then moved that the further consideration thereof be indefinitely postponed, which was carried.

Engrossed bill from the Senate, entitled an act giving additional compensation to the solicitor of the first judicial circuit. *Mr. Coopwood* moved that the further consideration thereof be indefinitely postponed, which was carried.

Engrossed bill from the Senate, to be entitled an act to provide for holding two terms of the Supreme court, and for other purposes, was read a second time. *Mr. Greening*, moved to strike out of the bill the words *first Monday in July*, and insert in lieu thereof the words *2d Monday in June*, which was carried. *Mr. Greening* moved to strike out the *first Monday in January*, which was carried. Yeas 25, nays 20.

The yeas and nays being desired, those who voted in the affirmative, are

Mr Benson	Cragh	Fluker	Lyon	Shorell
Broadnax	Crenshaw	Greening	McLemore	Sims
Brown	Davis	Jones	Oliver	Vaughan
Cook	Dellett	King	Pickens	Vining
Coopwood	Dupuy	Lewis	Saffold	Williams, 25

Those who voted in the negative, are

Mr. Speaker	Baxter	Edmondson	Morton	Tindall
Ambrister	Benson	Hickman	Noell	Warren
Bailey of La.	Coleman	Joye	Peyton	Weissinger
Barton of Mo.	Conner	Martin of La.	Thornton	White

Mr. Greasing then moved to fill said blank with *2d Monday in Dec.* which was carried; and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative—said bill as amended was read a third time forthwith, and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, to be entitled an act explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31, 1822, was read a second time. *Mr. Morton* moved that the further consideration thereof be indefinitely postponed, which was carried.

Engrossed bill from the Senate, to be entitled an act for the relief of Wm. Hollbrooks, was read a first time, and ordered to be read a 2d time. *Ordered*, that Mr. Joye, a member of this House, have leave of absence for the remainder of this session.

Engrossed bill from the Senate, to be entitled an act to establish a ferry and appoint commissioners to lay out a road therein named, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a third time forthwith.

Mr. Creagh moved that the further consideration of the same be indefinitely postponed, which was carried. *Mr. Creagh* moved to reconsider a vote taken yesterday on a bill to be entitled an act to amend an act concerning dower. The House adjourned till half past 6 o'clock.

Evening Session, half past 6 o'clock. Engrossed bills from the Senate of the following titles, to wit: An act concerning justices of the peace and constables in mobile county; An act the better to secure monies in the hands of clerks, sheriffs, and coroners; An act to alter the times of holding company courts martial; And an act for the relief of the tax collectors of mobile county, were severally read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bills of the following titles, to wit: An act to authorize Wm. H. Ragsdale and his associates, to turnpike a road therein specified; An act to alter and amend an act entitled an act for the collection of monies due the state, and for other purposes; and An act supplementary thereto; An act to exempt invalids from paying poll tax; An act to compel those making saltpetre in this state to enclose their works. An act to establish and improve a certain road therein named; An act requiring the judges of the circuit courts to alternate, and for other purposes, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid, and that the same be sent to the Senate for concurrence.

Mr. Heard, from the committee on enrolled bills, reported that he had examined and found correctly enrolled a bill of the following title, to wit: An act to incorporate the Coosawda academy, in the town of Coosawda. Engrossed bill from the Senate, entitled an act for the better organization of the county court of mobile county, was read

third time. Mr. Barton, of Mo. moved to amend the same by way of engrossed rider, which was carried; the bill was then passed. *Ordered*, that the clerk acquaint the Senate therewith. A bill to be entitled an act to incorporate an artillery company, in the town of Montgomery, to be styled the — artillery company, and for other purposes, was read a second time, and ordered to be engrossed for a third reading. Engrossed bill to be entitled an act to divorce Elizabeth Galloway from her husband James Galloway, was read a third time, and the question being put, shall this bill pass? and determined in the negative. There not being a constitutional majority voting in the affirmative. Yeas 19, nays 24. Those who voted in the affirmative, are

Mr. Speaker,	Baxter	Edmondson	Martin of Li.	Vining
Armbrister	Brandon	Hickman	Mead	White
Barton of T.	Bridges	King	Neill	Williams-19.
Barton of M.	Cook	Martin of La.	Peyton	

Those who voted in the negative, are

Mr. Bailey of La.	Conner	Dupuy	Pickens	Tate
Benson	Coopwood	Fluker	Saffold	Vaughan
Broadnax	Creagh	Inge Jones	Shotwell	Warren
Brown	Crenshaw	McLemore	Sims	Weissinger 24
Coe	Dellert	Oliver		

Engrossed bill, to be entitled an act to authorize Isaac Jordon to emancipate a certain slave therein named, was read a third time. Mr. Fluker moved that the further consideration thereof be indefinitely postponed, which was lost. Yeas 11, nays 27.

Those who voted in the affirmative, are

Mr. Bailey of La.	Crenshaw	McLemore	Shotwell	Tindall
Benson	Coe	Fluker	Pickens	White 11

Those who voted in the negative, are

Mr. Speaker	Brandon	Dupuy	Martin of Li.	Vaughan
Armbrister	Bridges	Edmondson	Mead	Warren
Barton of Mo.	Brown	Hickman	Neill Peyton	Weissinger
Barton of Tu.	Cook Conner	Jones King	Sims Vining	Williams 27.
Baxter	Coopwood	Martin of La.	The bill was then passed.	

Mr. Vining moved that the titled thereof be changed to that of an act to emancipate certain slaves therein named, and for other purposes; which was carried. *Ordered*, that the same be sent to the Senate for their concurrence.

Engrossed bill, to be entitled an act to emancipate Nancy Powell, a slave, and her infant son, Thomas, was read a third time and passed—Mr. Vining moved to amend the title to that of an act to emancipate certain slaves therein mentioned; which was carried. *Ordered*, that the same be sent to the Senate for their concurrence. And then the House adjourned till to-morrow morning at 9 o'clock.

Wednesday, January 11, 1826.

Mr. Heard, from the committee on enrolled bills, reported, that said committee had examined, and found correctly enrolled, bills of the following titles, to wit: an act for the relief of the Mobile and Tombecbe banks, against certain penalties heretofore incurred; an act to locate permanently the seat of justice in the county of Shelby; an act for the relief of James Frazier, late tax collector of Franklin county; an act to authorize the county courts of Henry and Dale counties to levy a tax on said counties, for certain purposes therein named; and an act to exempt school masters, teachers and students, from military duty, and for other purposes.

The House took up the resolution offered yesterday by Mr. Hickman, proposing to go into the election of a President and Directors—Mr. Hickman moved to amend the same by striking out at seven o'clock, and inserting in lieu thereof, *half past six o'clock*; also, to insert after the word *Directors*, the words *of the Bank of the State of Alabama*; and also, by adding, at the end of said resolution, the words *and also a Trustee of the University, in place of Mr. Dellett, resigned*—the said resolution was so amended and adopted.

The House then resumed the consideration of Mr. Creagh's motion to reconsider the vote given on the 9th inst. postponing indefinitely the bill from the Senate, to be entitled an act to amend an act entitled an act concerning dower; and the said motion was carried. Said bill was then read a second time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, the said bill was then read a 3d time forthwith, and passed. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed bills, which originated in, their House, entitled an act for the relief of the tax collector of Lawrence county, and an act to class and fix the price of the University lands—in which they desire your concurrence. The Senate concur in the several amendments made by your honorable body to bills, which originated in their House, entitled an act to amend an act entitled an act regulating judicial proceedings, and for other purposes; an act to repeal in part and amend in part an act restricting officers from taking commissions on costs collected by them on executions, passed, December 31, 1825, and an act to amend an act entitled an act to increase the compensation of jurors, passed, December 31, 1825.—And then he withdrew.

Engrossed bill, to be entitled an act to fix the salary of the President of the Bank of the State of Alabama, was taken up—Mr. Weissinger then moved to fill the last blank in the bill with *twelve hundred and fifty dollars*; which was carried. Said bill was then read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill of the following title, to wit: an act to amend an act entitled an act to appoint commissioners to lay out two roads leading from the ford of line creek; the one to Coffeeville—the other to Tuscaloosa, passed, December 31, 1822, was taken up; the said bill was then read a third time and passed. *Ordered* that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

A bill, to be entitled an act to repeal and amend in part an act to regulate the rate of interest, passed, December 17, 1819, was read a second time—Mr. Weissinger moved that the further consideration thereof be indefinitely postponed; which was carried.

Engrossed bill from the Senate, to be entitled an act to class and fix the price of the University lands, was read a first time, and ordered to be read a second time.

Mr. Martin of La. from the select committee, to whom was referred an engrossed bill from the Senate, to be entitled an act to repeal an act entitled an act to amend an act to establish a turnpike road, leading from Lawrence county, to intersect the Military road at Pikesville, in Marion county, passed, December 24, 1823, and to revive so much of

the act as the above recited act repealed, and for other purposes, reported the same without amendment—Mr. Martin of La. then moved that the further consideration thereof be indefinitely postponed; which was carried.

Engrossed bill from the Senate, to be entitled an act for the relief of the tax collector of Lawrence county, was read a first time—Mr. Vining moved that the further consideration thereof be postponed till the first day of June next; which was carried.

Mr. Heard, from the committee on enrolled bills, reported, that they had examined, and found correctly enrolled, bills of the following titles, to wit: an act to divorce Naomi Pond from her husband, Stephen Pond; an act to regulate the navigation of certain rivers in this state by steam-boats; an act to divorce Sam'l Payne from his wife Elizabeth Payne; an act to divorce Wm. Roundtree & m Sally Roundtree, his wife; an act to divorce Wm. Gates from Susannah Gates; an act to divorce Louisa M. Trouilett from her husband, Pierre L. Trouilett; an act to divorce Sarah Wall from James Wall; an act to authorize the citizens of Sommerville to elect a justice of the peace; an act for the adjustment of outstanding accounts, and to compel the payment into the treasury of monies heretofore and now detained by public defaulters, and which may hereafter be detained; and an act to divorce Deborah Dickson from Samuel Dickson.

A bill to be entitled an act to authorize an information, in the nature of a *quo warranto*, to be filed against the Indian creek navigation company.—Mr. Ficker moved that the further consideration thereof be indefinitely postponed; which was carried.—yeas 29, nays 21.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Bailey of Mr. Coe	Heard	McLemore	Shorwell
Bailey of La. Cook	Huckman	Morton	~~Te~~
Barton of Mo. Crough	Juge	Neill	Thornton
Barton of Tus. Crenshaw	Jones	Oliver	White
Broadnax Dupuy	Lewis	Peyton	Williams 29
Brown Ficker	Mead	Saffold	

Those who voted in the negative, are

Mr. Speaker Brandon	Davis	Martin of La.	Tindall
Byler Bridges	Edmondson	Martin of Li.	Vaughan
Byler Comer	King Lyon	~~Fickens~~	Vining
Person Coopwood	Martin of Fr.	Sims	Weissinger 21

Mr. Barton of T. from the select committee, to whom was referred a bill to be entitled an act the better to secure the rights of the citizens of this state, reported, a substitute, in lieu thereof, a bill to be entitled an act to authorize appeals to be taken in certain criminal cases, and for other purposes; which was read a second time. *Ordered*, that said bill lie on the table.

Engrossed bills from the Senate of the following titles, to wit: an act to authorize sheriffs to serve notices; and an act for the relief of John H. Campbell—were severally read a third time, and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, to be entitled an act for the better selection, drawing and summoning jurors, was read a third time; and the question being put, shall this bill pass? it was determined in the affirmative—yeas 35, nays 16.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Benson	Creagh	Jones	Pickens
Armbrister	Brandon	Crenshaw	King	Saffold
Bailey of L.	Bridges	Dellert	Lyon	Shotwell
Bailey of Mt.	Broadnax	Dupuy	Martin of La.	Tate
Barton of Mo.	Brown	Fluker	Mead	Thornton
Barton of Tu.	Coe	Hickman	McNeill	Vining
Baylor	Conner	Inge	Neill	Weissinger 35

Those who voted in the negative, are

Mr. Baxter	Davis	Martin of Fr.	Peyton Sims	Warren
Cook	Edmondson	Martin of Li.	Tindall	White
Coopwood	Lewis	McLemore	Vaughan	Williams 16

Ordered, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, to be entitled an act for the relief of William Holbrooks, was read a second time; and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a 3d time forthwith, and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill, to be entitled an act to incorporate an artillery company in the town of Montgomery, to be styled the *Washington Artillery Company*, and for other purposes, was read a third time and passed. *Ordered*, that the title be as aforesaid, and that the same be sent to the Senate for concurrence.

The resolution introduced on yesterday by Mr. Martin of Fr. for the purpose of informing the Governor when the two Houses would be ready to adjourn, was laid on the table.

The resolution introduced on yesterday by Mr. Martin of Fr. proposing to adjourn this evening, without day, was laid on the table.

Mr. Bridges obtained leave to introduce a joint resolution authorizing the Governor to sell at auction, the public buildings in Cahawba, and public furniture; which was read a first time—and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a second time forthwith, and laid on the table.

The resolution of Mr. Barton of T. proposing to adjourn *sine die*, on — next, was laid on the table.

Engrossed bill, to be entitled an act to repeal an act, passed, December 24, 1824, entitled an act to abolish the June term of the supreme court, was laid on the table.

Mr. Vining moved to reconsider a vote given this day on the engrossed bill from the Senate, to be entitled an act for the relief of the tax collector of Lawrence county; which was carried. The bill was read a second time; and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was then read a third time forthwith, and passed. *Ordered*, that the title be changed to that of an act for the relief of the tax collectors of Lawrence and Walker counties, and that the clerk acquaint the Senate therewith.

Mr. Barton of Mo. obtained leave to introduce a joint resolution, authorizing the Governor to procure certain maps and books for the use of the executive office of this state; which was read a first time—and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirma-

tive, the same was read a second time forthwith, and ordered to be engrossed for a third reading on to-day.

A bill, to be entitled an act to authorize appeals to be taken in criminal cases, and for other purposes, was taken up—Mr. McLemore moved that the further consideration thereof be indefinitely postponed; which was lost—yeas 19, nays 30.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Brandon	Inge	Jones	Saffold	Tindall	Weissinger
Broadnax	King		Shotwell	Vaughan	Williams
Fluker	McLemore		Sims	Vining	19
Hickman	Neill		Thornton	Warren	

Those who voted in the negative, are

Mr. Speaker	Baylor	Conner	Dupuy	Martin of Li.
Armbrister	Baxter	Coopwood	Edmondson	mead
Bailey of La.	Benson	Creagh	Greening	Morton
Bailey of Mt.	Bridges	Crenshaw	Heard	Peyton
Barton of No.	Brown	Davis	Lewis	Tate
Barton of T.	Coe	Dellett	Martin of La.	White 30

Said bill was then read a 2d time, and the rule requiring bills to be read on three several days being dispensed with, 4-5ths of the members present voting in the affirmative, it was ordered to be engrossed and read a 3d time to-day.

Engrossed bill from the Senate to be entitled an act to class and fix the price of the University lands. Mr. Creagh moved to dispense with the rule requiring bills to be read on three several days, and that the same be read a 2d and 3d time forthwith, which was carried, 4-5ths of the members present voting in the affirmative. Mr. Davis moved that the further consideration thereof be indefinitely postponed, which was lost—yeas 14, nays 34.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Baxter	Edmondson	Martin of Fr.	McNeill	Vining
Coopwood	Heard	Martin of Li.	Peyton	White—14.
Davis	Hickman	Mead	Vaughan	

Those who voted in the negative, are

Mr. Speaker	Baylor	Coe	Conner	Lyon	Shotwell
Armbrister	Benson	Cook	Creagh	Martin of La.	Sims
Bailey of M.	Brandon	Dellett	McLemore	Thornton	Tate
Bailey of La.	Bridges	Dupuy	Neill	Tindall	
Barton of No.	Broadnax	Greening	Pickens	Weissinger	
Barton of T.	Brown	Inge	Jones	Saffold	Williams 34.

The question was then put, shall this bill pass? and it was determined in the affirmative. Ordered that the clerk acquaint the Senate therewith; and then the House adjourned for one hour.

Evening Session. A message from the Senate by Mr. Lyon, their secretary: Mr. Speaker, the Senate have read three times and passed bills, which originated in your honorable body, entitled An act to incorporate the Bassett's creek navigation company; An act to exempt invalids from paying a poll-tax; and An act to compel those making salt petre in this state to inclose their works. They disagree to the amendments made by your honorable body, to the bill to be entitled an act to provide for holding two terms of the Supreme court and for other purposes. They insist upon their amendments to the bill entitled an act to prevent sheriffs, coroners and constables, purchasing property at their own sales and for other purposes, by striking out the first section of the bill, and by amending the title thereof. They concur in the amendments made by your honorable body to bills which originated in their house, entitled an act for the relief of the tax collector of mobile county; An act for the better organization of the county court of mobile county; and An act to repeal an act, passed 31st Dec. 1828, appropriating the monies arising from the fines and forfeitures in Madison county to Greene academy; and then he withdrew.

Ordered that the House concur in the amendments made by the Senate to the bill entitled an act to prevent sheriffs, coroners and constables purchasing at their own sales, and for other purposes, by striking out the first section of the bill, and by amending the title thereof. Ordered that the House recede from the amendments made by them to the bill from the Senate, entitled an act to provide for the election of members of the Supreme court and for other purposes. Ordered that the House concur with the Senate therewith. And the House adjourned for one hour.

Reading Session. Mr. Hollett from the joint committee appointed by the House and members of the general assembly to examine into the condition and situation of the bank of the state of Alabama, asked for leave to make a report to this House; in which report the House concurred. Ordered that the doors of this House be closed. Ordered that the doors of this House be now opened.

Mr. Greening offered the following resolution: Resolved by the House of Representatives, with the concurrence of the Senate, that the injunction of secrecy on the two Houses, in relation to the report of the joint committee appointed to investigate the situation and condition of the bank of the state of Alabama be removed, and that the report of said committee be entered on the journals of each House; which was adopted. Ordered, That the same be sent to the Senate for concurrence.

Mr. Heard, from the committee on enrolled bills, reported, that he had examined, and found correctly enrolled, bills of the following titles: to wit. An act to extend the time of appointing overseers of roads, and apportioners of taxes, in this State, and for other purposes; an act to amend the act entitled an act to prevent immoral and disorderly conduct at places of religious worship; an act to provide for reviving actions of trespass; an act to provide against an unnecessary detention of grand jurors, and for other purposes; an act to incorporate the school commiss's of the 4th township, 5th range, west from Huntsville, and for other purposes.

Engrossed resolution entitled joint resolution authorizing the Governor to procure certain maps and books for the use of the Executive office of this state, was read a 3d time and passed. Ordered that the title be as aforesaid, and that the same be sent to the Senate for concurrence.

Engrossed bill to be entitled an act to authorize appeals to be taken in criminal cases and for other purposes, was read a 3d time, and the question being put shall this bill pass? It was determined in the negative—yeas 27, nays 27.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Baylor	Conner	Hollett	Meach
Bailey of Mt.	Baxter	Crenshaw	Lewis Lyon	Merton
Bailey of La.	Benson	Davis	Martin of La.	Pickens
Barton of Mo.	Bridges	Dellert	Martin of Fr.	Tate
Barton of Tex	Coe	Conk	Edmondson	Martin of Li.
				White—27.

Those who voted in the negative, are

Mr. Armbrister	Crough	King	Payton	Vaughan
Brandon	Dupuy	McLennore	Shottwell	Vining
Broadnax	Fluker	McNeill	Safford Sims	Warren
Brown	Hickman	Neill	Thornton	Weissinger
Coopwood	Inge	Jones	Olive	Tindall
				Williams, 27.

Mr. Heard from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit: An act to repeal in part and amend an act restricting officers from taking commissions on costs collected by them on executions, passed Dec. 31, 1823.

A message from the Governor, by J. H. Thornton, secretary of state: Mr. Speaker, I am instructed by the Governor to inform your honorable body that he did this day approve and sign, An act for the relief of James Frazier, late tax collector of Franklin county; An act to authorize the county courts of Henry and Dale counties to levy a tax on said counties for certain purposes herein named; An act to authorize the judge of the county court and the commissioners of revenue and

roads of Lauderdale county to levy a tax for the purposes therein specified; An act to locate permanently the seat of justice in the county of Shelby; An act to exempt school-masters, teachers and students from military duty and for other purposes; and An act for the relief of the mobile and Tombeckbe Banks against certain penalties heretofore incurred, all of which originated in this House, and then he withdrew.

Mr. Creagh moved that the House do reconsider a vote given this day on the question of the passage of an engrossed bill to be entitled an act to authorize appeals to be taken in criminal cases and for other purposes, which was carried, the question was then again put, shall this bill pass, it was determined in the affirmative—Yeas 27, nays 26.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Baylor	Conner	Greening	Martin of Li.
Bailey of La.	Baxter	Crenshaw	Hallett	mead morton
Bailey of Mt.	Benson	Davis	Lewis	Pickens
Barton of Mo.	Bridges	Dellett	Martin of F.	Tate
Barton of T.	Coe	Cook	Edmondson	Martin of La.
				White 27.

Those who voted in the negative, are

Mr. Armbrister	Creagh	Jones	King	Saffold	Vaughan
Brandon	Dupuy	McLemore		Shotwell	Vining
Broadnax	Fluker	McNeill		Sims	Warren
Brown	Hickman	Neill		Thornton	Weissinger
Coopwood	Inge	Peyton		Tindall	Williams 26.

Ordered, that the title be as aforesaid, and that the same be sent to the Senate for concurrence.

Mr. Heard, from the committee on enrolled bills, reported, as correctly enrolled, bills of the following titles, to wit: an act the better to secure monies in the hands of clerks, sheriffs and coroners; an act to repeal in part and amend an act to increase the compensation of jurors, passed, December 31, 1823; an act to authorize the commissioners of the 16th section therein mentioned to appropriate the rents and profits thereof to the aid and support of Concord Academy; an act declaring Big Loss creek a public highway; and an act concerning the Tombeckbe bank. And then the House adjourned till to-morrow morning at 9 o'clock.

Thursday, January 12, 1826.

A message from the Senate, by Mr. Lyon, their secretary:—Mr. Speaker, the Senate have read three times and passed bills, which originated in your House, entitled an act to establish and improve a certain road therein mentioned; an act to authorize clerks of the county courts to administer oaths in certain cases; an act to incorporate the Trustees of Tuscumbia Academy, in Franklin county; an act to alter and amend an act entitled an act to establish the seat of justice in the county of Autauga, passed, November 22, 1819; an act for the relief of certain persons therein referred to; an act declaring Pine Barren creek, in Wilcox county, a public highway; and an act to repeal in part and amend an act entitled an act for the punishment of malicious mischief, passed, December 17, 1821, and have amended the same by striking out the second section thereof—in which amendment they desire your concurrence.

Ordered, that the House concur in the amendment made by the Senate, to the bill entitled an act to repeal in part and amend an act entitled an act for the punishment of malicious mischief, passed, December 17, 1821, by striking out the second section thereof. The ques-

tion was then put on the rule suspending the proceedings of the House on a call thereof; which was decided in the affirmative, yeas 39, nays 10.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Coe	Conner	Hickman	McNeill	Thornton
Armbrister	Coleman	Ing	Neill	Tindall	
Bailey of L.	Cook	Joins	Oliver	Vaughan	
Barton of T.	Coopwood	King	Peyton	Vining	
Baxter	Crenshaw	Lewis	Saffold	Warren	
Brandon	Davis	Lyon	Shotwell	Weissinger	
Broadnax	Dupuy	Martin of Fr.	Sims		39
Brown	Heard	McIntire	Tate		

Those who voted in the negative are

Mr. Baylor	Bridges	Floker	Martin of La.	Pickens
Benson	Edmondson	Greening	Mead	White

Mr. Heard, from the committee on enrolled bills, reported, that they had examined, and found correctly enrolled, a bill of the following title, to wit: an act to alter the times of holding the county courts of Greene county.

Mr. Greening moved that the House reconsider a vote given yesterday on the passage of a bill entitled an act to authorize appeals to be taken in criminal cases, and for other purposes; which was carried. Said bill then being on its passage, the question was put, shall this bill pass? it was determined in the negative—yeas 23, nays 31.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Baylor	Davis	Lewis	Morton
Bailey of La.	Benson	Delbett	Lyon	Pickens
Bailey of Mr.	Bridges	Edmondson	Martin of Fr.	White
Barton of Mr.	Conner	Hallett	Martin of La.	23.
Barton of T.	Crenshaw	Heard	Mead	

Those who voted in the negative, are

Mr. Armbrister	Cook	Hickman	Oliver	Tindall
Baxter	Coopwood	Ing	King	Vaughan
Brandon	Creagh	Joins	Saffold	Vining
Broadnax	Dupuy	McIntire	Shotwell	Warren
Brown	Floker	McNeill	Sims	Weissinger
Coleman	Greening	Neill	Thornton	Williams

Mr. Heard, from the committee on enrolled bills, reported that they had examined, and found correctly enrolled, bills of the following titles, to wit: an act to repeal in part and amend an act to fix the permanent seat of justice, and levy a tax to build a court house and jail, in Washington county, passed, December 23, 1815; an act respecting rents in the city of Mobile, and for other purposes; an act to exempt invalids from paying poll tax; an act to incorporate the Tusculumbia Female Academy, in Franklin county; an act the better to secure the revenue arising from licenses granted to tavern-keepers and others; an act to compel those making saltpetre in this state to enclose their works; an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone; an act in relation to the organization of Dale county; and an act to amend the several acts now in force respecting the town of Montgomery.

Mr. Barton of T. from the select committee, to whom was referred a bill to be entitled an act to alter and extend the time of holding certain circuit courts therein named, and for other purposes, reported the same with sundry amendments, in which amendments the House concurred. The said bill was then read a second time as amended—and the rule requiring bills to be read on three several days being dispens-

ed with, four-fifths of the members present voting in the affirmative, it was read a third time forthwith, and passed. *Ordered* that the secretary acquaint the Senate therewith.

Mr. Saffold, from the select committee, to whom was referred so much of the Governor's message as relates to the Huntsville bank, asked leave to be discharged from the further consideration of the same; which was agreed to.

Mr. Saffold, from the bank committee, to whom was referred a resolution requiring them to inquire into the expediency of amending the charter of the Bank of the State of Alabama, reported, that it is inexpedient, at this session of the general assembly, to make any further alteration than those already made in said charter; in which report the House concurred.

Mr. Greening, from the military committee, to whom was referred an engrossed bill from the Senate, to be entitled an act to repeal sundry militia laws, reported the same without amendment. Mr. Creagh moved that the further consideration thereof be indefinitely postponed, which was carried.

Mr. Heard, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit: An act to enforce those provisions of the act, entitled an act to establish a bank in the town of Mobile, which relates to voting for Directors; an act to alter the times of holding company courts martial; An act to repeal an act, passed, December 31, 1823, applying monies arising from fines and forfeitures in Madison county to Greene academy; An act for the better organization of the county courts of Mobile county; An act concerning justices of the peace and constables in Mobile county; An act to repeal in part an act therein named; An act for the relief of the tax collector of mobile county; An act to incorporate the trustees of Concord academy, in Greene county; An act giving time to persons holding claims against their respective counties. And then the House adjourned till half past 1 o'clock.

Evening Session. Mr. Tate moved that the House take up the engrossed bill from the Senate, entitled an act to amend an act regulating the licensing of physicians to practice, and for other purposes, passed, Dec. 22, 1823, which was carried—said bill was then laid on the table.

Mr. Davis obtained leave to withdraw the motion made by him on Saturday the 7th instant, for a reconsideration by the House on the vote given by this House on concurring with the select committee of conference, to whom was referred the memorial to the Congress of the United States on the subject of the purchasers of public lands, on the disagreement of the two Houses as to the amendment made by this House to said memorial, and said motion was accordingly withdrawn.

A message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed a bill which originated in their House, entitled an act allowing to Jarret Brandon a certain sum of money for expenses incurred in apprehending William Walker, charged with negro stealing. Resolution removing the injunction of secrecy imposed upon the report of the joint committee, appointed to examine the bank of the state; in which they desire your concurrence. They have read three times and passed bills which originated in your House, entitled an act to authorize clerks and magistrates to collect costs in certain cases; An act respecting buoys and

other land marks in mobile bay Resolution authorizing the governor to procure certain maps and books for the use of the executive office of this state. A joint resolution authorizing his excellency the governor to order the quarter master general of this state to deliver sixty stand of arms of those belonging to the state to the independent blues of Mooresville, Limestone county; An act to provide for the trial of officers in the militia of this state, and for other purposes, and have amended the same by striking out the 7th section thereof; An act to emancipate certain slaves therein mentioned, and have amended the same by striking out the 2d, 3d, 4th and 5th sections thereof; An act to authorize Wm. H. Ragsdale and his associates to turnpike a road therein specified, and have amended the same by adding thereto an additional section; An act to amend the laws now in force in relation to the duties of the county treasurers of this state, and have amended the same by striking out the words *his* in the second line of the 5th section, and by striking out the word *he* and inserting the word *they* in the last line of the same section, and by adding thereto an additional section: And an act to fix the salary of the president of the bank of the state of Alabama, and have amended the same by striking out the 2nd section, and by inserting in lieu thereof the accompanying section, and by adding an additional section to the bill, and also by changing the caption as herewith shewn; in all of which amendments they respectfully desire your concurrence. They concur in the amendment made by your honorable body to the bill entitled an act to authorize sheriffs to serve notices. They also concur in your amendment to the resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law to reduce the price of the public lands after they have been offered at public auction; and also to use their best endeavors to procure for this state the lands to which the title was extinguished by the treaty of the Indian Springs, and to prevent the settlement of the Indians heretofore residing in Georgia, within the limits of this state. And then he withdrew.

Mr. Dellett from the judiciary committee, reported without amendment, bills which originated in this House of the following titles, to wit: An act to authorize defendants to plead a failure of consideration; And an act to authorize the judges of the circuit courts in certain cases to order juries to be empannelled. The bill to be entitled an act to authorize defendants to plead a failure of consideration, the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, was ordered to be engrossed and read a third time today. Ordered, that the House concur in the amendments made by the Senate to the bill to be entitled an act to amend the laws now in force in relation to the duties of the county treasurers of this state, by striking out the word *his* in the 2nd line of the 5th section, and by striking out the word *he* and inserting *they* in the last line of the same section, and by adding an additional section.

Engrossed resolution from the Senate removing the injunction of secrecy imposed upon the report of the joint committee appointed to examine the bank of the state, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, the same was

read a second and third time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, entitled an act allowing to Jarrett Brandon a certain sum of money for expenses incurred in apprehending Wm. Walker charged with negro stealing, was read a first time and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, the same was read a second and third time forthwith and passed. *Ordered* that the clerk acquaint the Senate therewith.

Ordered, that the House concur with the Senate, in the amendment made by them in striking out the seventh section of the bill to be entitled an act to provide for the trial of officers in the militia of this state, and for other purposes.

Ordered, that the House concur in the amendment made by the Senate, to the bill to be entitled an act to authorize William H. Ragsdale, and his associates, to turnpike a road therein specified, by adding thereto an additional section.

Mr. Weissinger moved that the House disagree to the amendment made by the Senate, to the bill to be entitled an act to fix the salary of the President of the Bank of the State of Alabama, by striking out the second section, and by adding, in lieu thereof, another second section, proposed by the Senate; which was carried—yeas 31, nays 18..

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Cook	Greening	Martin of La.	Sims
Bayler	Coopwood	Hallett	McLemore	Tindall
Benson	Crenshaw	Heard	Morton	Vining
Brandon	Davis	Jones King	Oliver	Warren
Bridges	Dellett	Lewis	Pickens	Weissinger
Coleman	Edmondson	Martin of Fr.	Saffold	White 31

Those who voted in the negative, are

M. Ambrister	Baxter	Conner	Hickman	Tate
Bailey of L.	Broadnax	Creagh	Mead	Vaughan 18
Bailey of Mt.	Brown	Deputy	Peyton	
Carton of No.	Coe	Fluker	Shotwell	

Ordered that the House disagree to the amendments made to said bill, by adding an additional section, and by changing the title thereof. *Ordered* that the clerk acquaint the Senate therewith.

Mr. Heard from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit: An act to authorize the commissioners of the 16th section therein mentioned, to appropriate the rents thereof to Concord academy; An act to amend an act to regulate the licensing of Physicians to practice and for other purposes, approved Dec. 22, 1823; An act to repeal in part and amend an act restricting officers from taking commissions on costs collected by them on executions, passed Dec. 31st, 1823; An act to repeal in part and amend an act entitled an act to increase the compensation of jurors, passed Dec. 31st, 1823; An act declaring Big-lost creek a public highway; An act concerning the Tombeckbe Bank; An act to extend the time of appointing overseers of roads and apportioning of hands in this state and for other purposes; An act to amend the act entitled an act to prevent immoral and disorderly conduct at places of religious worship; An act to provide for reviewing actions of trespass; An act to provide against unnecessary detention of grand juries and for other purposes; An act to repeal an act passed, Dec. 31, 1823, appropriating the monies arising from fines and forfeitures in Madison co. to Green academy; An act better to secure monies in the hands of clerks, sheriffs and coroners; An act to incorporate the trustees of Concord academy in Greene

county; An act to alter the time of holding the county courts in the county of Greene; An act to alter the times of holding county courts martial; An act concerning justices of the peace and constables in Mobile county; An act giving further time to persons holding claims against their respective counties to file the same; An act to repeal in part an act therein named; An act for the better organization of the county court of Mobile county; An act for the relief of the tax collector of Mobile county; And an act to enforce those provisions of the act entitled an act to establish a bank in the town of Mobile, which relates to voting for directors.

On motion of Mr. Vining, *Ordered*, that the House disagree to the amendments made by the Senate, to the bill to be entitled an act to emancipate certain slaves therein mentioned, by striking out the 2d, 3d, 4th and 5th sections of the bill; and that the clerk acquaint the Senate therewith.

Engrossed bill, to be entitled an act to authorize defendants to plead a failure of consideration, was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Bill to be entitled an act to authorize the judges of the circuit courts, in certain cases, to order juries to be empannelled, was read a second time; and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, the same was ordered to be engrossed and read a third time to-day.

A message from the Governor, by James I. Thornton, secretary of state: *Mr. Speaker*, I am instructed by the Governor to inform your honorable body, that he did, this day, approve and sign bills of the following titles, to wit: an act to regulate the navigation of certain rivers of this state by steam boats; an act to divorce Deborah Dixon from Samuel Dixon; an act to divorce Sarah Wall from James Wall; an act to divorce Louisa M. Trouillett from her husband, Pierre L. Trouillett; an act to divorce William Roundtree from Sally Roundtree, his wife; an act to divorce Naomi Pond from Stephen Pond; an act to divorce William Gates from Susannah Gates; an act to divorce Samuel Payne from his wife, Elizabeth Payne; an act for the adjustment of outstanding accounts, and to compel the payment into the treasury of monies heretofore and now detained by public defaulters, and which may hereafter be detained; an act to authorize the citizens of Somerville to elect a justice of the peace—all of which originated in this House. And then he withdrew; and then the House adjourned for one hour.

Evening Session.—The House met pursuant to adjournment—and adjourned again till to-morrow morning at 9 o'clock.

Friday, Jan. 13, 1826.

Message from the Senate, by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have read three times and passed a resolution to appoint commissioners to examine a suitable situation for the permanent location of the university, and a resolution instructing our Senators and requesting our Representatives in Congress to use their exertions to procure the passage of an act of Congress to alter the times of holding the district court at Mobile, both of which originated in their House; and in which they desire your concurrence. They have also passed a bill which originated in their House, entitled an act for the relief of the public printer of this state; in which they desire your concurrence. And then he withdrew.

Engrossed bill to be entitled an act to authorize the judges of the circuit courts in certain cases to order juries to be empannelled, was read a third time and passed. *Ordered*, that the title be as aforesaid; that the same be sent to the Senate for concurrence.

Engrossed bill from the Senate, to be entitled an act for the relief of the public printer of this state, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read

a second time forthwith. Mr. Davis moved to amend the bill by striking out of the 1st section the word *journal*, and inserting in lieu thereof the word *Law* which was carried—Yeas 26, nays 2.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Speaker	Broadnax	Dupuy	Martin of La.	Sims	Tate
Armbrister	Brown	Coe	Edmondson	Martin of Li.	Thornton
Bailey of Mt.	Cook	Floker	McLemore	Tindall	
Barton of Tus.	Coleman	Greening	McNeill	Vining	
Baylor	Conner	Hallett	Neill	Vaughan	
Baxter	Coopwood	Hickman	Oliver	Weissinger	
Benson	Crenshaw	Jones	Pickens	White	
Brandon	Davis	King	Lewis	Saffold	Williams
Bridges	Dellert	Lyon	Shotwell		

Those who voted in the negative, are Mr. Coleman, and Mead.

Mr. Davis moved further to amend the bill by adding thereto an additional section, which was carried. The bill was then read as amended a third time and passed, the rule being suspended as aforesaid. Ordered, that the clerk acquaint the Senate therewith.

Mr. Heard, from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titles, to wit: An act to amend an act, entitled an act to appoint commissioners to lay out two roads leading from the ford of Line creek—the one to Coffeeville, the other to Tuskaloosa, passed, Dec. 31, 1822; An act to establish and improve a certain road therein mentioned; An act to change the time of selling property levied upon by execution; An act to incorporate the trustees of Tuscumbia academy in Franklin county; An act to authorize clerks and magistrates to collect costs in certain cases. Joint resolution authorizing the governor to procure certain maps and books for the use of the executive office of this state; An act to incorporate the Bassett's Creek navigation company; An act declaring Pine Barren Creek, in Wilcox county, a public highway; An act to regulate buoys and other land marks in Mobile Bay; An act to authorize clerks of the county courts to administer oaths in certain cases. Joint resolution, authorizing his excellency the governor, to order the quarter master general of the state, to deliver sixty stand of arms of those belonging to the state to the independent blues of Mooresville, Limestone county; An act for the relief of the tax collector of Lawrence county; An act to alter and amend an act to establish the seat of justice in the county of Autauga, passed, Nov. 22, 1819; An act to class and fix the price of the university lands. Resolution removing the injunction of secrecy imposed upon the report of the joint committee appointed to examine the bank of the State.

Engrossed resolution from the Senate, to appoint commissioners to examine a suitable site for the permanent location of the University, was read a first time—Mr. Davis moved that the further consideration thereof be indefinitely postponed; which was carried—yeas 28, nays 23.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brown	Edmondson	Mead	Warren
Armbrister	Coe	Heard	Neill	White
Bailey of L.	Conner	Hickman	Oliver	Williams
Barton of Tus.	Coopwood	Lewis	Lyon	Tate
Baxter	Davis	Martin of La.	Tindall	
Brandon	Dupuy	Martin of Li.	Vining	

Those who voted in the negative, are

Mr. Bailey of Mt.	Broadnax	Dellett	McLenore	Sims
Barton of Mo.	Coleman	Fisher	McNeill	Vanhan
Baylor	Cook	Greening	Pickens	Weissinger
Benson	Creagh	Hallett	Saffold	25
Bridges	Crosshaw	Jones	Shotwell	

Engrossed resolution from the Senate, instructing our Senators, and requesting our Representatives, in Congress, to use their exertions to procure the passage of an act of Congress, to alter the times of holding the district court at Mobile, was read a first time; and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a second time forthwith—and the rule being further dispensed with, it was read a third time forthwith, and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr. Dellett, a member from Monroe county, hath leave of absence, after to day, for the remainder of the session.

Mr. Creagh, from the select committee, to whom was referred that part of the Governor's message which relates to amendments of the Constitution of the United States, in relation to the election of President and Vice President of the United States, and the resolution of the state of Tennessee, proposing amendments to that instrument, concerning the same object, reported a joint resolution instructing our Senators in Congress, and requesting our Representatives, to effect certain amendments to the Constitution of the United States, in relation to the election of President and Vice President of the United States; which was read a first time—and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a second time forthwith. Mr. Kelly moved to amend the same, by striking out the first resolution, and inserting two others, in lieu thereof; which was carried. Mr. Cook moved to strike out the second and third resolutions; which was carried. Said resolution was then read a second time as amended, and ordered to be engrossed & read a 3d time to-morrow.

A message from the Senate, by Mr. Lyon, their secretary:—*Mr. Speaker*, the Senate insist on their amendments to the bill entitled an act to emancipate certain slaves therein named. They concur in the amendments made by your honorable body, to the bill entitled an act for the relief of the public printer of this state.

Mr. Vining moved that the House adhere to their disagreement to the amendments made by the Senate, to the engrossed bill to be entitled an act to emancipate certain slaves therein mentioned; which was determined in the affirmative—yeas 29, nays 13.

The yeas and nays being called for, those who voted in the affirmative, are Mr. Speaker, Armbrister, Baxter, Benson, Brandon, Bridges, Brown, Coleman, Conner, Coopwood, Creagh, Davis, Dancy, Edmondson, Jones, King, Martin of La. Martin of Li. McLenore, McNeill, Neill, Pickens, Shotwell, Tate, Tisdall, Vining, Weissinger, White, and Williams—29.

Those who voted in the negative, are Mr. Bailey of Mt. Bailey of L. Broadnax, Coe, Cook, Greening, Hickman, Lewis, Lyon, Meed, Oliver, Thornton and Vaughan—13.

Engrossed joint resolution instructing our Senators in Congress and requesting our representatives to effect certain amendments to the constitution of the United States in relation to the election of President and Vice-president of the United States, was read a third time and passed.

Ordered, That the title be as aforesaid, and that the same be sent to the Senate for concurrence.

The following members of the House of Representatives, to wit: John P. Hickman, John G. Creagh, Jonathan Bailey, Waddy Tate, Joseph Coe, Marston Mead, T. L. Hallett, W. Barton, of M. Quin Morton, Walker K. Baylor, & John S. Bailey, offered a protest, shewing the reasons for a certain vote given in this House, which were ordered to be spread upon the journals of this House. The House adjourned till half past 2 o'clock.

Evening Session, half past 2 o'clock. A message from the Senate, by Mr. Lyon, their secretary: Mr. Speaker, the Senate have read three times and passed resolutions providing for the disposal of certain public property, in the town of Cahawba, in which they desire your concurrence. They have also passed bills which originated in your House, entitled an act requiring judges of the circuit courts to alternate, and for other purposes; and have amended the same by striking out the 1st section after the enacting clause, and by striking out the word *may* in the second line of the 4th section and inserting *shall*, and by amending the caption in the manner herewith shewn; also an act to authorize the judges of the circuit courts in certain cases, to order juries to be empannelled, and have amended the same in the manner herewith shewn; also an act making appropriations for the year 1826, and have amended the same by striking from the 1st line of the 2nd section the word *ten*, and inserting in lieu thereof the word *two*, by striking from the 3d and 4th sections of the bill the words *twenty-five*, and inserting in lieu thereof in each of the sections, the words *one hundred*, in all of which amendments they ask your concurrence. And then he withdrew.

Engrossed resolution from the Senate providing for the disposal of certain public property in the town of Cahawba, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a 2d time forthwith, and the rule being further dispensed with, it was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith. *Ordered*, that the House disagree to the amendments made by the Senate to the engrossed bill, entitled an act requiring the judges of the circuit courts to alternate, and for other purposes, by striking out the 1st section of the bill and by amending the title. The House concur in the amendment made to the 4th section of the bill by striking out the word *may* and inserting the word *shall*. *Ordered*, that the clerk acquaint the Senate therewith. *Ordered*, that the House concur in the amendments made by the Senate to the bill entitled an act to authorize the judges of the circuit courts to order juries to be empannelled by inserting in the 1st section the word *and* after the word *drawn* and before the word *summoned*, by striking out the words *or empannelled* in the fifth line of the first section, by inserting the words *or do not attend* after the word *law* and before the word *the*, by striking out of the 6th line of the 1st section the words *who shall have filed the original pannel as* and inserting in lieu thereof the words *as are by law qualified to serve on juries*, and also by striking out of the 10th line of the 1st section the word *on* and inserting in lieu thereof *and*.

Engrossed bill to be entitled an act making appropriations for the year 1826, was laid on the table.

Mr. Creagh obtained leave to introduce a bill to be entitled an act

to provide for the payment of the expenses incurred in the reception of General La Fayette; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four fifths of the members present voting in the affirmative, it was read a 2d time forthwith, and ordered to be engrossed for a third reading today.

Mr. Lyon moved that the House reconsider a vote taken this day on indefinitely postponing an engrossed resolution from the Senate, to appoint commissioners to examine a suitable situation for the permanent location of the university, which was carried. Yeas 25, nays 23.

The yeas and nays being called for, those who voted in the affirmative, are

<i>Mr. Bailey</i> of <i>Mr.</i>	<i>Coleman</i>	<i>Greening</i>	<i>McLemore</i>	<i>Saffold</i>
<i>Barton</i> of <i>Mr.</i>	<i>Cook</i>	<i>Hallett</i>	<i>McNeill</i>	<i>Shotwell</i>
<i>Baylor</i>	<i>Creagh</i>	<i>Jones</i>	<i>Morton</i>	<i>Thornton</i>
<i>Benson</i>	<i>Crenshaw</i>	<i>Lyon</i>	<i>Neill</i>	<i>Vaughan</i>
<i>Broadnax</i>	<i>Delleit</i>	<i>Martin</i> of <i>La.</i>	<i>Pickens</i>	<i>Weissinger</i>

Those who voted in the negative, are

<i>Mr. Speaker</i>	<i>Brown</i>	<i>Edmondson</i>	<i>Lead</i>	<i>Vining</i>
<i>Armbrister</i>	<i>Conner</i>	<i>Flicker</i>	<i>Oliver</i>	<i>Warren</i>
<i>Baxter</i>	<i>Coopwood</i>	<i>King</i>	<i>Sims</i>	<i>White</i>
<i>Brandon</i>	<i>Davis</i>	<i>Lewis</i>	<i>Tate</i>	
<i>Bridges</i>	<i>Dupuy</i>	<i>Martin</i> of <i>Li.</i>	<i>Tindall</i>	

Mr. Greening moved to amend the same by striking out of the 3d line of the 1st section the word *five*, and insert in lieu thereof the word *three*, which was carried. *Mr. Greening* moved further to strike out the proviso at the end of the first number of the same, which was carried. The question was then put, shall this resolution be read a third time, and determined in the affirmative. Yeas 28, nays 24.

The yeas and nays being desired, those who voted in the affirmative, are

<i>Mr. Bailey</i> of <i>Mr.</i>	<i>Coleman</i>	<i>Greening</i>	<i>McNeill</i>	<i>Sims</i>
<i>Barton</i> of <i>Mr.</i>	<i>Cook</i>	<i>Hallett</i>	<i>Morton</i>	<i>Thornton</i>
<i>Barton</i> of <i>T.</i>	<i>Creagh</i>	<i>Jones</i>	<i>Oliver</i>	<i>Vaughan</i>
<i>Baylor</i>	<i>Crenshaw</i>	<i>Lyon</i>	<i>Pickens</i>	<i>Weissinger</i>
<i>Benson</i>	<i>Delleit</i>	<i>Martin</i> of <i>La.</i>	<i>Saffold</i>	
<i>Broadnax</i>	<i>Flicker</i>	<i>McLemore</i>	<i>Shotwell</i>	

Those who voted in the negative, are

<i>Mr. Speaker</i>	<i>Brown</i>	<i>Dupuy</i>	<i>Martin</i> of <i>Li.</i>	<i>Vining</i>
<i>Armbrister</i>	<i>Coe</i>	<i>Edmondson</i>	<i>Lead</i>	<i>Warren</i>
<i>Bailey</i> of <i>L.</i>	<i>Conner</i>	<i>Heard</i>	<i>Neil</i>	<i>White</i>
<i>Baxter</i>	<i>Coopwood</i>	<i>Hickman</i>	<i>Tate</i>	
<i>Brandon</i>	<i>Davis</i>	<i>King</i>	<i>Lewis</i>	<i>Tindall</i>

Message from the Senate by *Mr. Lyon*, their secretary: *Mr. Speaker*, I am instructed by the Senate to inform your honorable body that they have read three times and passed Resolutions originating in their house instructing our Senators and requesting our Representatives in Congress to use their best endeavors to procure for this state the immediate right to the lands acquired by the recent treaty at the Indian-springs, in which they desire your concurrence. They have also read three times and passed a Resolution which originated in your honorable body authorizing the Governor to appoint commissioners to adjust the unsettled accounts between this state and the state of Mississippi. The Senate concur in the Resolution of your honorable body, proposing to go into the election of a President and Directors of the Bank of the state of Alabama, and a trustee of the University in place of *Mr. Delleit* resigned, and have amended the same so as to proceed to the election this evening, at half past 6 o'clock, and also by adding thereto the words *and commissioners to class and fix the price of the University lands, ac-*

cording to a law of the present session, and then he withdrew. *Ordered* that the House concur in the amendments made by the Senate to said Resolution, in relation to the elections.

Engrossed bill to be entitled an act to provide for the payment of the expenses incurred in the reception of Gen. Lafayette, which was read a 3d time and passed. *Ordered* that the title be as aforesaid and that the same be sent to the Senate for concurrence.

Mr. Heard from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles to wit: An act to repeal in part and amend an act entitled an act for the punishment of malicious mischief, passed Dec. 17, 1821; An act for the relief of certain persons therein referred to; An act entitled an act to amend the laws now in force in relation to the duties of the county treasurers in this state; An act to provide for the trial of officers in the militia of this state and for other purposes.

Engrossed resolution from the Senate instructing our Senators and requesting our Representatives in Congress to use their best efforts to procure for this state the immediate right to the lands acquired by the recent treaty at the Indian-springs, was read the first time and the rule requiring bills to be read on three several days being dispensed with, 4-5ths of the members present voting in the affirmative, it was read a 2d and 3d time forthwith and passed. *Ordered* that the clerk acquaint the Senate therewith.

A message from the Governor, by James I. Thornton, secretary of state: *Mr. Speaker*, I am instructed by the Governor to inform your honorable body, that he did, this day, approve and sign bills of the following titles, to wit: an act in relation to the organization of Dale county; an act respecting rents in the city of Mobile, and for other purposes; an act to amend the several acts now in force respecting the town of Montgomery; an act to incorporate the Tuscumbia Female Academy, in Franklin county; an act the better to secure the revenue arising from licenses granted to tavern keepers and others; an act to compel those making saltpetre in this state to enclose their works; an act to repeal in part and amend an act to fix the permanent seat of justice, and levy a tax to build a court house and jail, in Washington county, passed, December 23, 1813; an act to exempt invalids from paying poll tax; an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone; an act declaring Pine Barren creek, in Wilcox county, a public highway; an act to authorize clerks of the county courts to administer oaths in certain cases; an act to amend an act entitled an act to appoint commissioners to lay out two roads, leading from the ford of Line creek, the one to Coffeeville, the other to Tuscumbia, passed, December 31, 1822; joint resolution authorizing the Governor to order the quarter-master-general of this state to deliver sixty stand of arms, of those belonging to the state, to the Independent Blues of Mooresville, Limestone county; joint resolution authorizing the Governor to procure certain maps and books for the use of the executive office of this state; an act to authorize clerks and magistrates to collect costs in certain cases; an act to establish and improve a certain road therein contained; an act to incorporate the Bassett's creek navigation company; an act to incorporate the trustees of the Tuscumbia Academy, in Franklin county; an act respecting buoys and other land marks in

Mobile bay; and an act to change the time of selling property levied upon by execution—all of which originated in this House. And then he withdrew.

Ordered, that Mr. Sims have leave of absence for the remainder of the session. *Ordered*, that Mr. Conner have leave of absence, after to-day, for the remainder of the session.

Mr. Davis offered the following resolution: *Resolved*, that a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on his excellency the Governor, and inform him the two Houses of the general assembly have nearly finished their business, and will be ready to adjourn, *sine die*, this evening, if he would have no further communication to make; which was laid on the table.

Mr. Burton of Tus. C. on the select committee, to whom was referred so much of the Governor's message as relates to the emancipation and colonization of slaves, together with the accompanying communications from other states upon that subject, have had the same under consideration, and respectfully submit the following report:—The documents accompanying that part of the Governor's message referred to your committee, consist of communications from the states of Delaware, Georgia, New Jersey, Indiana, Illinois, Connecticut, Mississippi and Missouri, conveying resolutions from these states respectively, on the subject of emancipation and colonization. The first proposition on the subject, appears to have originated with the general assembly of Ohio. On the 7th of January, 1824, they adopted resolutions that, "a system of foreign colonization, with correspondent measures, might be adopted, that would, in due time, effect the entire emancipation of the slaves of our country, without any violation of the national compact, or the infringements of the rights of individuals, by the passage of a law by our general government with the consent of the slave holding states; which should provide that, all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years; being supported, during their minority, by the persons claiming the services of their parents: provided they then consent to be transported to the intended place of colonization of the states." The states of Delaware, Indiana, Illinois and Connecticut have approved of the Ohio resolutions. The state of New Jersey extends its recommendation to the colonization of the free people of color. The states of Georgia, Mississippi and Missouri have disapproved of the Ohio resolutions. A proper respect for the communications of our sister states, and the large share of public attention, which the subject matter of these communications have recently attracted, seem, to your committee, to require of the general assembly of this state, the expression of its opinion. The committee believe that very mistaken notions prevail, in some of our sister states, respecting the tenure by which slave property is held in the southern states; with the exceptions of provisions in our laws to enforce the precepts of humanity towards our slaves, and to check the cruelties and courtesies of lawless and unregulated power, our property in our slaves is as unlimited and unqualified as our property in any thing else.

We understand by a right to property, a right, also, to its incidents—its appendages—its augmentations; whether these augmentations arise from the productive employment, or the natural increase, of that property. The right to that property, of which we are in the immediate enjoyment, may be said to be absolute and vested; and the right to the increase of that property, may be said to be contingent and remote: but undoubtedly, the right to both is exclusive—no one can be deprived of either, but by forfeitures under existing laws, or voluntary abandonments. The slave holding states, themselves, can no more deprive their citizens of their rights to their slave property, or to the incident appendages or augmentations of that property, than can the non-slave holding states deprive their citizens of any of their property, or of the incidents, appendages and augmentations of that property. There is scarcely a constitution in any

of the states, which does not expressly prohibit the taking of private property for public purposes, without making just compensation for the same. The rights of the citizens and their property, are sacredly guarded by the paramount energies of constitutional provisions; and we may safely say to our sister states, what they would undoubtedly say to us, on a similar application: that we cannot disregard those constitutional provisions, if we would—and we would not, if we could.—The consent of the slave holding states as such, therefore, can never be obtained; they have no power to give it—it rests exclusively with the owners of such property to dispose of it; whether by sale, or voluntary abandonment, they must determine, and none others for them. Your committee are, therefore, of opinion, that the general assembly of this state should not, and cannot, concur in the resolutions of the state of Ohio.

Your committee are further constrained to say, that it is somewhat remarkable that, except in the resolution from New Jersey, there are none of those, to which this report refers, which seem to contemplate the removal or colonization of the free people of color in the United States. We duly appreciate the liberality by which our sister states of the north and northwest are disposed to view the evils of slavery, as national in their character, and to look to the national funds for defraying the expenses of its thorough and ultimate extinction. But we cannot but regard the situation of our free colored population as an evil yet more national; because it is an evil more general in its character—exists to some extent, in every state of the Union; and its strength is so rapidly augmenting, both in numbers and knowledge, as to be dangerous to the peace and security of society. We should say that, in any rational scheme of colonization, the beginning point must be with that part of the population who have already been loosened from the heavier chains of slavery—who are constantly goaded with the remembrance of their former wrongs; and who are reminded, daily, to the degrading inequalities to which they are subjected. All the rigorous enactments in our statute books against slaves, of which our northern friends so loudly complain, and of the propriety of which they have so little means of judging, are really ascribable to the dangers and the necessities of our condition. While our slaves are intermingled with the free people of color, who are yet smarting under the servilities of recent vassalage—who are corrupting their morals—impressing into them the spirit of insubordination; and planting in their bosoms the ferocious hope that, at no distant day, they will wash out their pollutions—the marks of their national degradation—in the blood of their subjugated oppressors,—is it wonderful that we should impose more disparaging restraints, or turn aside the current of reckless rebellion? We are led, therefore, to the conclusion, that philanthropists would much better serve the interests of humanity, and the ends of national justice, by directing their attention to the condition of our free people of color, than our slaves. Whenever our national resources shall be so enlarged, as to be applicable to objects of general philanthropy, and there shall be practicable mode of aiding ourselves of our colored population, consistent with their rights, the rights of the owners, and the good of the nation, we shall cheerfully acquiesce in every measure calculated to effect such an object. Your committee recommend to the House, the adoption of the following resolution:

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened; That this state do not concur in the resolution of the state of Ohio, proposing a plan for the emancipation of slaves in the United States. Be it further resolved, That his excellency the Governor, be requested to forward a copy of the foregoing report and resolution to the Governors of the different states, requesting them to lay the same before the legislatures thereof. Which said resolution was read a third time; and the rule requiring bills to be read on three several days being dispensed with, for that of the members present voting in the affirmative, it was read a second time together with the rule being farther dispensed with, it was read a third time, and passed. *Ordered*, that the same be sent to the Senate for concurrence.

The undersigned members of the Senate who were in the minority on the adoption of the amendment made by the House of Reps. to the bill entitled 'an act to amend the charter of the Bank of the State of Alabama,' and who were also in the minority on the passage of said bill, avail themselves of the privilege secured to them by the constitution, of shewing to their constituents, and to the public, the reasons by which they were governed.

One hundred thousand dollars borrowed by the State; the University funds to the amount of one hundred thousand dollars; all the funds given by the United States to the state of Alabama for making roads, canals, and improving the navigation of rivers, together with other funds, have been invested in the Bank of the State; and the faith and credit of the State are pledged for all losses which may be sustained. These funds, in the event of losses, can be reimbursed only by taxes imposed upon the people. Can it be possible that the funds of the state were placed in a bank, and the faith and credit of the state pledged for its support, and yet that no means were provided by which the people or their representatives could ascertain the true situation of that bank? To admit this defect in the charter of the bank would be, in the opinion of the minority, to charge its founders with a dereliction of duty and a disregard of the rights and best interests of the people.

It is provided in the 12th section of the charter 'that it shall be the duty of the president and directors to furnish to the general assembly within the first week of every session, statements of the amount of capital stock of said corporation and of the debts due to the same, of the monies deposited therein; of the notes in circulation, and of the cash on hand; together with all other property of said bank, both real and personal. And the general assembly shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statement; and shall whenever it may be deemed necessary appoint a joint committee of both houses of the general assembly for that purpose, with full power to send for persons and papers.' To the minority it appears that the foregoing language is so plain that it cannot be misunderstood, and that the powers granted are so ample that nothing touching the interests of the people is shielded from the scrutiny of their representatives. But if a doubt could exist as to the extent of the powers of the general assembly over the bank of the state, that doubt is removed by the interpretation of the charter given by the president and directors of that institution, and also by both houses of the general assembly.

The president and directors, in their annual statement, use the following language: "as great anxiety must necessarily be felt throughout the country, respecting the condition and operations of the institution, perhaps no statements or reports from the board itself, however fully or carefully drawn up, will, at all times, give entire satisfaction. The general assembly has, very properly, reserved to itself the right of examining, by a joint committee, the general accounts and books of the bank relating to such statement, whenever it may be deemed necessary. If such committee should now be appointed, it would be a matter of much gratification to the directors, and they would, very respectfully, suggest the propriety and policy of making it an established custom to appoint, at each session of the general assembly, a joint committee, to inspect the books and examine the operations of the bank. This might be efficacious in preventing or detecting, at an early period, any mismanagement of its affairs, and would tend greatly to preserve the character of the institution; and while its funds are prudently and honestly administered, of securing to it that public confidence which is essential to make it extensively useful to the state." The two houses of the general assembly, in obedience to law, and according to the expressed wishes of the president and directors, appointed a joint committee, for the purpose of examining the bank, "with full powers to send for persons and papers." After the resistance of the president and directors to the examination which they had invited, and which they say the general assembly has wisely reserved to themselves the power to make, each house of the general assembly adopted the following resolution, viz: "Resolved, that the general assembly have the right to inspect, by a joint committee, all the books of the bank, and all the evidences of debt due to that institution." If the general assembly have the power, under the charter of the bank, to inspect all the books of the bank, and all the evidences of debt due to that institution, where is the necessity of an act of the legislature to give them this power? Not perceiving the necessity of passing a law to give a power already given, or to explain an act already plain, the minority would feel themselves constrained, if there were no positive objections to the amendment, and to the bill, to vote in the negative. But in the opinion of the minority there are insuperable objections to the amendment. The amendment contains a proviso in the following words, viz: "That nothing herein contained shall imply the right of the said committee to report to the general assembly the situation of any private debtor or creditor, unless their situation or names are palpably connected with some violation of the charter, mismanagement in the concerns of the bank, or of some fraud or imposition practised on the directors or officers of the institution." This amendment proposes the p-

pointment of a joint committee to inspect the affairs of the bank, and yet restrains that committee from making a full report upon the situation of the bank even to the Houses. A committee is to be raised to investigate but is prohibited from communicating even to those by whom it is created the full result of their investigation. Is the investigation to be made for the purpose of satisfying a committee, or for the purpose of satisfying the representatives of the people? The people cannot be satisfied when their representatives are not permitted to see nor to know. Are the committee exclusive judges of *fraud* and *mismanagement*? Are a few of the representatives of the people, entitled, as a *matter of grace and favor*, to know more of that which concerns the general welfare than others representing a different portion of the people? These interrogatories must be answered in the affirmative before any member should, in the opinion of the minority, assent to the adoption of this amendment. It most materially concerns the public to ascertain whether the debtors to the state bank be solvent or insolvent. But if the committee be permitted to ascertain that any of the debtors to the state bank are insolvent, yet the fact ascertained by them cannot be communicated to the representatives of the people unless the insolvency be connected with *petty fraud*. In the opinion of the minority it is altogether immaterial so far as relates to the revenue of the state, whether any part of its funds be in the hands of insolvents *with* or *without* the use of fraud. If taxes should be imposed upon the people to reimburse the funds which have been placed in the bank, and for which the public faith and credit are pledged, it is not perceived that the burdens would be the lighter by their being the result of ignorance rather than of fraud. The history of other banks warns us of the dangers which await this institution.

The Darien bank, one half of the stock of which is owned by the state of Georgia, has made doubtful debts to an amount exceeding four hundred thousand dollars, and has sustained a loss by bad debts to the amount of three hundred and sixty thousand dollars. The Eagle bank of New-Haven which lately failed, had a capital of six hundred thousand dollars, and was found on an investigation to have made doubtful debts to the amount of one million six hundred and forty thousand dollars. The stockholders in those banks reposed in deceitful security until awakened by the falling ruins of those institutions. The directors of the Darien bank appointed by the state had no direct interest in the welfare of the institution the operations of which they controlled.

The directors of the state bank of Alabama have no direct interest in the well being of the institution over which they preside. If losses are sustained by the bank, they are borne not by the directors who manage it, but by the people. It, therefore, behoves the people, the stockholders in the institution, to look well to its management; to exert their power over this institution, while it is yet worthy of preserving.

Limited as is the report permitted to be made by the committee to the House, yet this report is to be shrouded with darkness. An almost impenetrable veil is to be hung over the transactions of this bank. Its doings and dealings are to be concealed from the authors of its being; and those who have nurtured and supported it, are to be treated as aliens and as unworthy of confidence. The amendment takes away from the House of Rep. the control over its own proceedings. The House of R. cannot disavow a report made to it by its own committee. If the Senate should unanimously be of the opinion that the public good required that publicity should be given to the report, yet they are restrained by this amendment unless the Senate should consent to remove the injunction of secrecy. The assent of the Governor is also necessary because it must be removed by a joint resolution, and by our constitution all joint resolutions must be signed by the governor. Thus the secret "how the people's money has been disposed of" is to be kept from the people's view. The minority well recollect, when in times of war and danger the proceedings of both Houses of Congress were secret. But they can find no precedent for an injunction of secrecy, imposed or removed by joint resolution; much less one requiring the concurrence of the executive. It is believed that not a single instance can be found in which one branch of a Legislature ever permitted another to have control over its secret proceedings. In a republican government so much secrecy forbodes ill.

But there are still stronger objections to the amendment. In the opinion of the minority it violates the charter of our rights. By the 16th section of the third article of the constitution it is provided "that each House may determine the rules of its own proceedings; punish members for disorderly behaviour, and with the consent of two thirds, expel a member."

The appointments of committees, and the mode of their appointment belong to each house exclusively of the other. This amendment proposes to regulate by law the appointment of a committee in each House. By it the Senate and the governor are permitted to participate in the exercise of a power which by the constitution is given exclusively to the House of Representatives. The power given by the constitution to each House, "to determine the rules of its own proceedings," cannot according to the terms used in that instrument be transferred; nor could the H. of R. in the opinion

of the minority if there were no constitutional impediment, consent to this exercise of power by the co-ordinate branches of the government.

If the bill above mentioned should become a law, would not power "to determine the rules of its own proceedings, and to regulate all or any of its committees?" The constitution has given this and it cannot be taken away by law. The law would therefore

The undersigned members of the H. of R. being the minority to the situation of the two Houses, if this bill should become already appointed a joint committee to examine into the situation Senate have been informed by the House of Representatives that they have a special committee for the same purpose. If this bill should become a committee be appointed under it, there will be two joint committees of the Senate and a special committee of the House of Representatives, for the purpose of inquiring into the state and condition of the bank. This is a situation of things which the minority ought to be avoided.

The undersigned members of the H. of R. here take the liberty to state which influenced them in their vote against the resolution from the House of Representatives for the appointment of a select committee." By the charter of the bank a select committee can be appointed only on the application of the comptroller when inquiring into the transactions of the bank or any particular circumstances relating to it which require it. The comptroller has not applied for the appointment of a select committee; it cannot, therefore, be appointed in pursuance of law. All the powers of the two Houses are defined by the constitution, and all powers, not granted in that instrument, are reserved to the people. No power is by that instrument given to either of the Houses, except that of determining their own rules of proceedings, punishing members for contempt &c. judging of the qualifications, election and returns of their own members, and that of passing laws as co-ordinate branches of the legislature. If the two Houses resort to an unknown and undefined source of power not derived from any part of the constitution, for the appointment of a select committee. The constitution is a barrier to the exercise of despotic power. Power implied from doubtful construction has been considered dangerous to liberty. But an implication of power against the express letter of the constitution is entirely subversive of the rights and liberties of the people. There are other reasons which influenced the minority in their vote against the resolutions from the House of Representatives, for the appointment of a select committee. Those resolutions propose an oath to be administered by the President to the members of the Senate and Speaker of the House of Representatives to the members of a select committee. There is no law authorizing the President and Speaker to administer an oath, nor requiring that an oath should be administered to the members of any committee. The administration of an oath without the authority of law would be a solemn violation of the constitution, to which the undersigned members cannot give their assent. To require by resolutions to which the assent of one of the co-ordinate branches of the legislature is not asked, is an assumption of power for which they are not prepared.

The foregoing reasons for the conduct of the minority are respectfully submitted in the manner prescribed by the constitution, to the consideration of their fellow citizens. They do not impute any misconduct to those who have thought and acted differently from themselves. Their only object is to vindicate the course which they have pursued and their conscience have led them to pursue.

[Signed,] JOHN P. HICKMAN, JOHN G. CREAGH, JONATHAN B. WADDY TATE, JOSEPH COE, MARSTON MORTON, T. L. HALLETT, W. BARTON, QUIN MORTON, JOHN S. BAILEY, WALKER K. BAYLOR.

The House adjourned till half past six o'clock.

Half past 6 o'clock. On motion of Mr. Morton, Resolved that the Senate be invited to assemble in the Representative Hall, for the purpose of going into to the election of a President and Directors of the Bank of the state of Alabama, and other purposes, agreeable to the former resolution on that subject, and that the west end of the Hall be appropriated for their reception.

The Senate having repaired to the Hall of the House of Representatives: both houses proceeded to the election of a President of the Bank of the state of Alabama, to continue in office till the removal of the Bank to the town of Tuscaloosa, Andrew Pickens alone being nominated. For Andrew Pickens 68 votes.

*who voted for Mr. Pickens, are Mr. President, Abercrombie, Ash, Brown, Casey, Clay, Crabb, Crawford, Jackson of L. McCamy, Merri-
 miller, Skinner, Sullivan, Vanhooze, Mr. Speaker, Bailey of Mt. Bailey
 arton of Mo. Barton of T. Brandon, Bridges, Broadnax, Brown, Coe,
 n, Cook, Conner, Coopwood, Creagh, Crenshaw, Davis, Dellett, Dupuy,
 Isou, Fluker, Greening, Hallett, Heard, Hickman, Jones, King, Lewis,
 of Fr. Martin of Li. Martin of La. Mead, McLemore, McNeill, Morton,
 Oliver, Peyton, Pickens, Saffold, Shotwell, Sims, Tate, Thoraton, Tindall,
 n, Vining, Warren, Weissinger, White, Williams.*

ew Pickens having received all the votes present, was declared, by Mr.
 to be duly elected President of the bank of the state of Alabama, to serve
 as the Bank remains at Cahawba.

Houses then proceeded to elect twelve Directors of the Bank of the state
 ma, to continue in office until the removal of the Bank to the town of
 osa, *John J. Crocheron, Uriah G. Mitchell, Jesse Beene, Edwin Curtis,
 Vasser, Bernard Johnson, Thomas D. King, H. G. Perry, George
 , Fiddling Vaughan, R. G. Gordon, John Shields, Alex. Pope, Thos.
 y, Gilbert Searer, David McCord, Wm. Chisholm, C. B. Harrison,
 Ewing, Wm. Curtis, and Thomas O. Meaux, being in nomination,*

r. Crocheron	55	Perry	57	Shearer	18
Mitchell	54	Phillips	58	McCord	14
Beene	42	Vaughan	56	Chisholm	18
Curtis	51	Gordon	57	Harrison	29
Vasser	34	Shields	42	Ewing	21
Johanson	48	Pope	25	Curtis	15
King	46	Wiley	21	Meaux	15

*se who voted for Mr. Crocheron, are Mr. President, Ash, Bagby, Brown
 , Crabb, Merriwether, Miller, Skinner, Sullivan, Vanhooze, Mr. Speaker,
 of Mo. Barton of T. Benson, Brandon, Bridges, Broadnax, Coe, Cook, Cole-
 Conner, Coopwood, Creagh, Crenshaw, Davis, Dellett, Dupuy, Edmond-
 Fluker, Greening, Hallett, Heard, Jones, King, Lewis, Martin of Fr. Mar-
 La. Mead, McLemore, McNeill, Neill, Oliver, Peyton, Pickens, Saffold,
 as, Saffold, Shotwell, Tindall, Vaughan, Vining, Warren, Weissinger,
 an, White—55.*

*se who voted for Mr. Mitchell, are messrs. President, Ash, Bagby, Brown,
 , Crabb, Merriwether, Miller, Skinner, Sullivan, Vanhooze, Speaker, Bar-
 Mo. Barton of T. Benson, Brandon, Bridges, Broadnax, Coe, Cook, Cole-
 Conner, Coopwood, Creagh, Crenshaw, Davis, Dellett, Dupuy, Edmond-
 Fluker, Greening, Hallett, Heard, Jones, King, Lewis, Martin of Fr. Mar-
 La. Mead, McLemore, McNeill, Neill, Oliver, Peyton, Pickens, Saffold,
 of T. Tindall, Vaughan, Vining, Warren, Weissinger, and White.—54.*

*se who voted for Mr. Beene, are Mr. Bagby, Brown, Casey, Mer-
 rier, Miller, Skinner, Sullivan, Vanhooze, Speaker, Baxter, Brandon, Brid-
 oleman, Cook, Conner, Coopwood, Crenshaw, Davis, Dellett, Edmondson,
 r. Greening, Heard, Jones, King, Lewis, Martin, of F. Martin, of Li.
 of La. McNeill, Neill, Oliver, Peyton, Pickens, Saffold, Shotwell, Tindall
 on, Vining, Warren, Weissinger, White.—42.*

*se who voted for Mr. Edwin Curtis, are Mr. President, Ash, Bagby,
 n, Casey, Clay, Crabb, Miller, Skinner, Sullivan, Vanhooze, Speaker, Bax-
 Benson, Brandon, Bridges, Broadnax, Coe, Coleman, Cook, Conner, Coop-
 l. Creagh, Crenshaw, Davis, Dellett, Dupuy, Edmondson, Greening, Hal-
 Heard, Hickman, Jones, King, Lewis, Martin of Li. Martin of La. Martin of
 Mead, McLemore, Neill, Oliver, Pickens, Saffold, Shotwell, Tindall, Vaughan
 ng, Warren, Weissinger, White.—57.*

*se who voted for Mr. Vasser, are Mr. Casey, Crabb, Merriwether, Miller
 ner, Vanhooze, Baxter, Benson, Brandon, Bridges, Coleman, Conner, Coop-
 d, Davis, Dellett, Dupuy, Edmondson, Fluker, Greening, Heard, King,*

Lewis, Martin of La. Martin of Fr. Martin of Li. McLemore, Neill, Oliver, Pickens, Saffold, Tindall, Vining, White.—74.

Those who voted for Mr. Johnson, are Messrs. Bagby, Brown, Casey, Crabb, Merriwether, Miller, Skinner, Sullivan, Vanhousc, Speaker, Baxter, Benson, Brandon, Bridges, Coe, Coleman, Conner, Coopwood, Creagh, Coleman, Crenshaw, Davis, Dellett, Dupuy, Edmondson, Fluker, Greening, Heard, Jones, King, Lewis, Martin of La. Martin of Li. Martin of Fr. McNeill, Neill, Oliver, Pickens, Saffold, Shotwell, Tindall, Vaughan, Vining, Warren, White.—48.

Those who voted for Mr. King, are Mr. Ash, Brown, Casey, Crabb, Merriwether, Miller, Skinner, Sullivan, Vanhousc, Speaker, Bailey of L. Baxter, Benson, Brandon, Bridges, Coe, Conner, Coopwood, Creagh, Coleman, Crenshaw, Davis, Dellett, Dupuy, Edmondson, Greening, Hallett, Heard, Jones, King, Lewis, Martin of Fr. Martin of La. Martin of Li. McLemore, McNeill, Neill, Oliver, Peyton, Pickens, Saffold, Shotwell, Tindall, Vaughan, Vining, Warren.—16.

Those who voted for Mr. Perry, are Mr. President, Abercrombie, Ash, Bagby, Brown, Clay, Crabb, Crawford, Jackson of L. Merriwether, Skinner, Vanhousc, Speaker, Bailey of Mt. Barton of Mr. Barton of T. Benson, Bridges, Broadnax, Coe, Coleman, Cook, Conner, Coopwood, Creagh, Crenshaw, Davis, Dellett, Dupuy, Edmondson, Fluker, Greening, Hallett, Heard, Hickman, Jones, Lewis, Martin of Fr. Martin of La. Martin of Li. Mead, McLemore, McNeill, Martin, Neill, Oliver, Peyton, Saffold, Shotwell, Tate, Thornton, Tindall, Vaughan, Vining, Warren, Weissinger, White.—57.

Those who voted for Mr. Phillips, are Mr. President, Abercrombie, Ash, Bagby, Brown, Casey, Clay, Crabb, Crawford, Jackson of L. Merriwether, Miller, Skinner, Sullivan, Vanhousc, Speaker, Bailey of L. Bailey of Mt. Barton of T. Barton of T. Baxter, Brandon, Broadnax, Coe, Cook, Conner, Coopwood, Creagh, Crenshaw, Dellett, Dupuy, Edmondson, Fluker, Greening, Hallett, Heard, Hickman, Jones, Lewis, Martin of La. Martin of Fr. Mead, McLemore, McNeill, Neill, Oliver, Peyton, Pickens, Saffold, Shotwell, Tate, Thornton, Tindall, Vaughan, Vining, Warren, Weissinger, and White.—58.

Those who voted for Mr. Vaughan, are Mr. President, Abercrombie, Bagby, Clay, Crabb, Crawford, Jackson of L. Vanhousc, Bailey of L. Bailey of Mt. Barton of T. Barton of Mr. Broadnax, Coe, Cook, Conner, Creagh, Dupuy, Edmondson, Fluker, Hallett, Heard, Hickman, Jones, Martin of Li. Mead, Neill, Oliver, Saffold, Tate, Thornton, Tindall, Vaughan, Warren, Weissinger, White.—56.

Those who voted for Mr. Gordon, are Mr. President, Abercrombie, Bagby, Brown, Clay, Crabb, Crawford, Jackson of L. Merriwether, Sullivan, Vanhousc, Bailey of L. Bailey of Mt. Barton of Mr. Barton of T. Broadnax, Coleman, Coe, Cook, Conner, Creagh, Crenshaw, Dellett, Dupuy, Edmondson, Fluker, Greening, Hallett, Heard, Hickman, Jones, King, Lewis, Martin of Li. Mead, McLemore, McNeill, Martin, Neill, Oliver, Peyton, Shotwell, Saffold, Tate, Thornton, Tindall, Vaughan, Vining, Warren, Weissinger, and White.—57.

Those who voted for Mr. Shuler, are Mr. Ash, Brown, Casey, Merriwether, Miller, Skinner, Sullivan, Vanhousc, Speaker, Baxter, Benson, Brandon, Bridges, Broadnax, Cook, Coleman, Conner, Coopwood, Crenshaw, Davis, Dellett, Dupuy, Edmondson, Greening, Heard, Jones, King, Lewis, Martin of La. Martin of Fr. Martin of Li. McLemore, McNeill, Neill, Oliver, Pickens, Saffold, Tindall, Vaughan, Vining, Warren, Weissinger, and White.—42.

Those who voted for Mr. Pope, are Mr. President, Abercrombie, Ash, Bagby, Clay, Crawford, Jackson of L. Bailey of L. Bailey of Mt. Barton of Mr. Barton of T. Broadnax, Coe, Cook, Creagh, Fluker, Hallett, Hickman, Mead, Neill, Oliver, Peyton, Tate, Thornton, and Weissinger.—25.

Those who voted for Mr. Wiley, are Mr. President, Abercrombie, Ash, Bagby, Clay, Crawford, Jackson of L. Bailey of L. Bailey of Mt. Barton of Mr. Barton of T. Broadnax, Creagh, Dellett, Fluker, Hallett, Hickman, Mead, Peyton, Tate, Thornton, and Weissinger.—24.

Those who voted for Mr. Swarer are Mr. President, Abercrombie, Ash, Coe

Crawford, Jackson of L. Mr. Bailey of Mr. Bailey of La. Barton of Mo. Barton of T. Broadnax, Creagh, Cook, Hallett, Hickman, Mead, Tate, Thornton—18.

Those who voted for Mr. McCord are Mr. Abercrombie, Brown, Clay, Jackson of L. Mr. Bailey of La. Bailey of Mr. Barton of Mo. Barton of Tu. Benson, Coe, Hickman, Peyton, Tate, Thornton—14.

Those who voted for Mr. Chisholm are Mr. President, Abercrombie, Bagby, Brown, Clay, Crawford, Jackson of L. Mr. Bailey of Mr. Bailey of La. Barton of Mo. Barton of T. Creagh, Hallett, Hickman, Mead, Tate, Thornton, Weissinger—18.

Those who voted for Mr. Harrison are Mr. Ash, Casey, Crabb, Miller, Skinner, Sullivan, Mr. Speaker, Baxter, Benson, Brandon, Bridges, Broadnax, Coleman, Coopwood, Crenshaw, Davis, Greening, Jones, King, Lewis, Martin of La. Martin of F. McLemore, McNeill, Peyton, Pickens, Shotwell, Vaughan, Warren—24.

Those who voted for Mr. Ewing are Mr. Abercrombie, Ash, Casey, Miller, Skinner, Sullivan, Mr. Speaker, Brandon, Baxter, Coopwood, Coleman, Crenshaw, Davis, King, Martin of La. Martin of F. McNeill, Peyton, Pickens, Shotwell, Vining—21.

Those who voted for Mr. Curtis are Mr. Casey, Crabb, Merriwether, Miller, Sullivan, Mr. Speaker, Baxter, Brandon, Davis, Fluker, King, Martin of L. McLemore, McNeill, Pickens—15.

Those who voted for Mr. Meux are Mr. President, Abercrombie, Bagby, Clay, Crawford, Jackson of L. Bailey of Mr. Bailey of La. Barton of Mo. Barton of T. Coe, Hickman, Mead, Thornton, Tate—15.

Messrs. Crocheron, Mitchell, Brent, E. Curtis, Vasser, Johnson, King, Percy, Phillips, Vaughan, Gordon, Shields, having received a majority of all the votes present, Mr. Speaker therefore declared them duly elected Directors of the Bank of the state of Alabama so long as it may remain at Calhoun.

The two Houses then proceeded to the election of a President of the Bank of the state of Alabama, to serve after the removal of the Bank to the town of Tuscaloosa, Andrew Pickens being in nomination—For Mr. Pickens 53 votes.

Those who voted for Mr. Pickens are Mr. President, Abercrombie, Ash, Brown, Crabb, Crawford, Jackson of L. Jones, McCamy, Merriwether, Miller, Skinner, Sullivan, Vanhous, Mr. Speaker, Bailey of Mr. Bailey of La. Barton of Mo. Barton of Tus. Benson, Brandon, Bridges, Coe, Cook, Coleman, Conner, Coopwood, Davis, Deltett, Dupuy, Edmondson, Fluker, Hallett, Hickman, Jones, King, Lewis, Martin of La. Martin of L. McLemore, Neill, Oliver, Saffold, Shotwell, Tate, Thornton, Tindall, Vaughan, Vining, Warren, Weissinger, White, Williams—53.

Mr. Pickens having received all the votes present, was declared to be duly elected President of the Bank of the state of Alabama.

The two Houses then proceeded to the election of twelve Directors to serve after the removal of the Bank to the town of Tuscaloosa—Wm. L. Adams, James Hogan, John B. Hogan, Benjamin B. Fountaine, Garland Hardwicke, George Cox, Otis Dyer, James H. Dearing, John McKee, Thomas Owen, Wm. R. Colgin, Hardin Perkins, Constantine Perkins, and Benjamin Whitfield being in nomination.

James Hogan, John B. Hogan, Benjamin B. Fountaine, Garland Hardwicke, George Cox, Otis Dyer, James H. Dearing, John McKee, Thomas Owen, William R. Colgin, William L. Adams, and Hardin Perkins, having received a majority of the whole number of votes, were declared by Mr. Speaker to be duly elected. The Senate withdrew, and the House adjourned till to-morrow morning 9 o'clock.

Saturday, January 14, 1826.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act making appropriations for the year

826, by striking out *ten thousand* and inserting in lieu thereof *two thousand*. The House concur in the amendments to the bill in the 3d and 4th sections thereof, by striking out of each section *twenty-five* and inserting in lieu thereof *one hundred*.—Yeas 28, nays 21.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Dellett	Hickman	Morton	Thornton
Bailey of M.	Edmondson	Lewis	Neill	Tindall
Broadnax	Fluker	Lynn	Oliver	Vaughan
Coe	Greening	Martin of Li.	Pickens	Vining
Conner	Hallett	McLemore	Sims	
Creagh	Heard	mead	Tate	

Those who voted in the negative, are

Mr. Armbrister	Brandon	Coopwood	Martin of Fr.	Warren
Bailey of L.	Bridges	Cook	Peyton	Weissinger
Bayler	Brown	Davis	Saffold	White
Benson	Coleman	James King	Shotwell	Williams

Engrossed resolution to appoint commissioners to examine a suitable situation for the permanent location of the University, was read a third time. Mr. Davis moved that the further consideration thereof be indefinitely postponed, which was carried.—Yeas 27, nays 26.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Brown	Coe	Edmondson	Martin of F.	Tindall
Armbrister	Conner	Heard	Martin of Li.	Vining	
Bailey of La.	Coopwood	Hickman	mead	Warren	
Baxter	Davis	King	Neill	Peyton	White
Brandon	Dupuy	Lewis	Tate	Williams	

Those who voted in the negative, are

Mr. Bailey of M.	Broadnax	Fluker	McNeill	Shotwell
Barton of T.	Coleman	Greening	Morton	Sims
Bayler	Cook	Hallett	Oliver	Thornton
Benson	Creagh	James	Lynn	Pickens
Bridges	Dellett	McLemore	Saffold	Weissinger

Message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate concur in the amendment of your honorable body to a bill entitled an act to alter and extend the time of holding certain circuit courts therein named, and for other purposes. They have read three times and passed a bill which originated in their House, entitled an act to repeal an act entitled an act to class and fix the price of the university lands in which they desire your concurrence. And then he withdrew.

Mr. Barton of T. from the select committee, to whom was referred the petition of David Rogers and others of Blount county, together with the accompanying documents praying the impeachment and removal of Vestal Beeson, a justice of the peace for said county, for misdemeanors in office, reported that not having time for the thorough investigation from the lateness of the time at which the reference was made to your committee, and being satisfied from the testimony before us that an inquiry ought to be prosecuted into the official conduct of said Beeson, ask leave to be discharged from the further consideration of the subject for the present, but recommend the continuance of the case to the next session of the legislature, for further proceedings, which was agreed to.

Engrossed bill from the Senate, entitled an act to repeal an act entitled an act to class and fix the price of the university lands, was read a first time. Mr. Weissinger moved that the further consideration thereof be indefinitely postponed, which was carried. Yeas 27, nays 22.

The yeas and nays being called for, those who voted in the affirmative, are

Mr. Speaker	Bridges	Creagh	Lewis	Pickens
Bailey of L.	Broadnax	Delleit	Martin of La.	Saffold
Bailey of Mt.	Brown	Coe	Dupuy	M-Lemore
Barton of T.	Coleman	Fluker	Morton	Shotwell
Benson	Conner	Jones	King	Morton
		Neill		Thornton
				Weissinger 27

Those who voted in the negative, are

Mr. Ambriester	Cook	Davis	Martin of Fr.	Peyton	Vining
Baxter	Heard		Martin of Li.	Sims	Tate
Brandon	Hickman	Mead	Tindall		Warren
Coopwood	Lyon	Oliver	Vaughan		White
					Williams 22

Mr. Heard, from the committee on enrolled bills, reported, that they had examined, and found correctly enrolled, bills of the following titles, to wit: an act to provide for holding two terms of the supreme court, and for other purposes; an act for the better selecting, drawing and summoning jurors; an act to amend an act entitled an act concerning dower; memorial of the Senate and House of Representatives of the State of Alabama, in general assembly convened, to the Congress of the United States; an act for the relief of John H. Campbell; an act to authorize sheriffs to serve notices; an act for the relief of William Holbrooks; a resolution authorizing the Governor to appoint commissioners to adjust the unsettled accounts between this state and the state of Mississippi; an act allowing to Jarrett Brandon a certain sum of money for expenses incurred in apprehending William Walker, charged with negro stealing; an act for the relief of the public printer of this state; resolutions instructing our Senators, and requesting our Representatives, in Congress, to use their best endeavors to procure the passage of a law to reduce the price of the public lands; an act to authorize William H. Ragsdale and his associates to turnpike a road therein specified; an act to authorize the judges of the circuit courts, in certain cases, to order juries to be empannelled; resolution instructing our Senators, and requesting our Representatives, in Congress, to use their best endeavors to procure the passage of an act of Congress to alter the times of holding the district court at Mobile; an act to provide for the payment of the expenses incurred in the reception of General La Fayette.

A resolution, proposing that the general assembly adjourn, was taken up and adopted.

Ordered, that Messrs. Creagh, Weissinger and Benson be appointed a committee to wait on his excellency the Governor, and inform him that the two Houses will be ready to adjourn this evening, *sine die*; and know if he has any further communication to make.

A message from the Senate, by Mr. Lyon, their secretary:—*Mr. Speaker*, the Senate have adopted the following resolution: *Resolved*, that a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on his excellency the Governor, and inform him that the general assembly have gone through the business before them, and will be ready to adjourn, *sine die*, this day; at the hour of twelve o'clock, if his excellency has no further communications to make.—They have appointed, on their part, Messrs. Sullivan, Crabb & Brown.

In which resolution the House concurred, by adding "this evening."

Ordered, that the clerk acquaint the Senate therewith.

Ordered, that the House concur in the several amendments made by the Senate, to the bill entitled an act making appropriations for claims against the state; except as to section numbered twenty-one. They disagree to the amendment made by the Senate, by striking out the twenty-first section. *Ordered*, that the clerk inform the Senate thereof.

A message from the Senate, by Mr. Lyon, their secretary:—*Mr. Speaker*, the Senate insist upon the several amendments to the bill entitled an act to fix the salary of the President of the Bank of the State of Alabama. They concur in the amendment made by your honorable body, to the resolution proposing to adjourn, *sine die*, to day at 12 o'clock, by striking out "12 o'clock," and inserting "this evening."

On motion of Mr. Morton, (Mr. Deilett in the chair,) *Resolved unanimously*, That the thanks of this House be tendered to the honorable William Kelly, for the attention, assiduity, promptness and ability, with which he has discharged the duties of the chair, during the present session.

Engrossed joint resolutions, instructing our Senators in Congress, and requesting our Representatives, to effect certain amendments to the Constitution of the United States, in relation to the election of President and Vice President of the U. States, were laid on the table.

Ordered, that Messrs. Greening, Bridges and Brandon be appointed a committee of conference, to adjust the differences as to the disagreement between the Houses, as to the amendments made by the Senate, to the bill entitled an act to fix the salary of the President of the Bank of the State of Alabama.

A message from the Senate, by Mr. Lyon, their secretary:—*Mr. Speaker*, the Senate recede from their amendment to the bill entitled an act making appropriations for certain claims against the state, by striking out the 21st section.

On motion of Mr. Creagh, *Resolved*, That the Senate be informed that the House of Representatives are now ready to proceed in the unfinished business of yesterday; and that the west end of the Representative Chamber is appropriated for their reception.

Mr. Creagh, from the joint committee appointed, by both Houses, to wait on his excellency the Governor, and inform him that the two Houses will be ready to adjourn this evening, *sine die*, and know if he has any further communication to make, have performed that duty, and have been requested by his excellency to say, that he has no further communication to either branch of the general assembly.

Mr. Heard, from the committee on enrolled bills, reported, that they have examined, and found correctly enrolled, bills of the following titles, to wit: an act making appropriations for the year 1826; and resolutions instructing our Senators, and requesting our Representatives, in Congress, to use their best efforts to procure, for this state, the immediate right to the lands acquired by the recent treaty at the Indian Springs.

A message from the Senate, by Mr. Lyon, their secretary:—*Mr. Speaker*, the Senate have appointed a committee on their part, to consist of Messrs. Crawford, Jackson of L. and Bagby, to confer with the committee, appointed on the part of your honorable body, upon the disagreement between the two Houses, on the amendments made by the Senate, to the bill entitled an act to fix the salary of the President

of the Bank of the State of Alabama. They have passed a bill, which originated in their House, entitled an act concerning the University lands—in which they desire your concurrence.

Mr. Heard from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bill of the following title, to wit: An act requiring the judges of the circuit courts to alternate, and for other purposes.

Engrossed bill from the Senate to be entitled an act concerning the University lands, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, four-fifths of the members present voting in the affirmative, it was read a second and third time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

On motion of Mr. Tate, the House adjourned till one o'clock.

Evening Session, 1 o'clock. Mr. Heard from the committee on enrolled bills, reported that he had examined and found correctly enrolled, bills of the following titles, to wit: An act to alter and extend the time of holding certain circuit courts therein named, and for other purposes; an act concerning the University lands; an act to fix the salary of the President of the Bank of the state of Alabama; an act making appropriations for certain claims against the state.

The Senate having repaired to the Hall of the House of Representatives, both Houses then proceeded to the election of a trustee of the University from the first judicial circuit, in the place of Mr. Dellett, resigned; John G. Creagh being in nomination—for Mr. Creagh 45 votes.

Those who voted for Mr. Creagh, are Mr. President, Ash, Bagby, Brown, Casey, Crawford, Jackson of L. Jones, McCamy, Skinner, Sullivan, Vanhoose, Mr. Speaker, Bailey of L. Baylor, Baxter, Benson, Brandon, Bridges, Broadnax, Brown, Coleman, Cook, Coopwood, Crenshaw, Davis, Greening, Heard, Hickman, Jones, Lyon, Martin of La. Martin of Li. Neill, Oliver, Pickens, Shotwell, Sims, Tate, Thornton, Tindall, Yining, Weissinger, White, Williams. Mr. Creagh having received all the votes present, was declared to be duly elected.

The two Houses then proceeded to the election of Commissioners to class and fix the price of the University lands, according to a law of the present session.

Josiah D. Lister, James H. Drughan, and John W. Moore, being in nomination from the first judicial circuit:—*Isaac Brown, Wm. H. Wilson and Rutling Hall*, from the 2d:—*Green Hill, Willis Banks, and Peyton King*, from the 3d:—*John Chisolm, Francis Bullock and Robert Beattie*, from the 4th:—*Clement Billingslea, Thomas Rives and Larkin Cleaveland*, from the 6th judicial circuit. Each of the persons in nomination received 50 votes, and were declared to be duly elected.

Those who voted for them, are Mr. President, Bagby, Brown, Casey, Clay, Crawford, Jackson of L. Jones, Miller, Skinner, Sullivan, Vanhoose, Mr. Speaker, Armbrister, Bailey of L. Baylor, Baxter, Benson, Brandon, Bridges, Broadnax, Brown, Coe, Coleman, Cook, Conner, Coopwood, Creagh, Crenshaw, Davis, Dellett, Hickman, Jones, Lewis, Lyon, Martin of La. Martin of Li. McLemore, Neill, Oliver, Peyton, Pickens, Saffold, Shotwell, Sims, Tindall, Yining, Weissinger, White. The Senate withdrew.

Mr. Bridges, from the committee of conference, reported, that the committee appointed on the part of this House to confer with the committee on the part of the Senate, on the disagreement of the two houses on the amendment made by the Senate to the bill entitled an act to fix the salary of the President of the Bank of the state of Alabama, have conferred on the subject referred to, and beg leave to submit the following report: They have agreed to strike out the 2d section of the

bill, which relates to the salaries of the comptroller, secretary of state and treasurer; also to strike out the proviso contained in the 4th section of the bill as amended, and in lieu thereof insert the following:— Provided, that the fourth section of this act shall not take effect until from and after the first day of March next.

On motion of Mr. Martin of La. *Resolved*, that in all cases where claims have been presented and not allowed, the claimants may have leave to withdraw all the papers of such claims as are not allowed.

Message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate concur in the report of the committee of conference appointed on the disagreement between the two Houses upon the amendment made by the Senate to the bill entitled an act to fix the salary of the President of the Bank of the state of Alabama, which recommends that the 2d section of the bill be stricken out, and the proviso to the last section; and that the last section thereof shall take effect from and after the first day of March next.

Mr. Martin of La. *Moved* that the report of the bank committee be spread on the journal, which was carried, and is as follows:

The joint committee, appointed by both branches of the general assembly, to examine into the situation and condition of the Bank of the State of Alabama, respectfully report:—That the paper herewith annexed, (marked A,) is an exposé of the situation and condition of the Bank, up to the 1st day of January, 1846. From this statement it will be perceived that the sum of four hundred and forty-eight thousand eight hundred and fifty-nine dollars is due to the Bank, on notes discounted to individuals. It cannot be expected from the committee, to say that this money has been loaned exclusively to solvent persons, and that the debts are entirely safe; but so far as the committee have been able to ascertain the situation of the debtors to the Bank, they have not discovered that the Institution will sustain any loss from the debts now due.

The situation of the Bank, as exhibited by the statement herewith annexed, speaks for itself; but the interest of the Institution and of the State, may require from the committee, an expression of their opinion, as to the solvency of the Bank, and its ability to meet the demands against it. On this subject, there can be no difference of opinion.

The committee were appointed at a late period of the present session of the general assembly; and the short space of time allowed to them has had the effect of prescribing certain limits to their examination; but they are perfectly satisfied as to the correctness of the report which they now submit, and that the Institution is entitled to the confidence of the public.

(Signed,)

THOS D. CRABB, *Chairman on the part of the Senate.*
T. L. HALLETT, *Chairman on the part of the House.*

[A]

State of the Bank of the State of Alabama, on the 9th day of January, 1826.

Capital Stock	\$253,646 46	Notes discounted	\$428,359 00
Notes in circulation	273 507	Banking House	1,119 17
Individual deposits	164,735	Due to other Banks	1 165 38
Expenses chargeable upon the Institution, up to this date remaining unpaid, exclusive of the President's salary, and such amount as may be allowed to the hon. Wm. R. King, for negotiating the loan of \$100,000 in New-York	3,166 80	Cash on hand, viz:	
Gain on the transactions of the Bank up to this date, as appears by the statement annexed, marked B	1,629 9	Specie	141,330 00
		Notes of other Banks	109,210 84
			250,540 84
	\$701,684 39		701,684 39

[B]

Statement of expenses incurred, and interest received, by the Bank of the State of Alabama.

To interest on the loan of 100,000 dolls. in N. York, from 1st of October, 1824, to 9th of January, 1826,	7,650 00	By discount, premium on bills, and interest received from the commencement of the operations of the Bank up to the 9th of January, 1826, as appears by the books of the Bank,	\$21,783 34
To interest on the University Fund, \$48,062 75, from 1st Jan. 1825, & \$8,544 19 from 1st March, 1825,	3,396 24		
To current and permanent expenses from the commencement of the operations of the Bank up to 9th Jan. 1826, including the sum of \$3,166 08 due by the institution, and remaining unpaid	9,108 1		
To gain on the transactions of the Bank up to January 9th, 1826,	1,629 9		
	\$21,783 34		\$21,783 34

A message from his excellency the Governor, by James I. Thornton, secretary of state: *Mr. Speaker*, the Governor did, this day, approve and sign, an act for the relief of certain persons therein referred to; an act to repeal in part and amend an act entitled an act for the punishment of malicious mischief, passed Dec. 17, 1821; an act entitled an act to amend the laws now in force in relation to the duties of the county treasurers of this state; an act to provide for the trial of officers in the militia of this state, and for other purposes; an act requiring the judges of the circuit courts to alternate and for other purposes; an act making appropriations for the year 1826; a resolution authorizing the Governor to appoint commissioners to adjust the unsettled accounts between this state and the state of Mississippi; an act to provide for the payment of the expenses incurred in the reception of Gen. La Fayette; an act to authorize judges of the circuit courts, in certain cases, to order juries to be empannelled; an act to authorize Wm. H. Rags-

dale and his associates to turnpike a road therein specified; an act for the relief of the public printer of this state; an act to fix the salary of the President of the Bank of the state of Alabama; an act making appropriations for certain claims against the state—all of which originated in this House.

Message from the Senate by Mr. Lyon, their secretary: *Mr. Speaker*, the Senate have completed the business before them, and are now about to adjourn *sine die*. Mr. Martin of Ill. moved that this House do now adjourn *sine die*: Whereupon, the Speaker delivered the following address:

Gentlemen of the House of Representatives,

Our labours are now closed. Allow me, on this occasion, to express the grateful sense I entertain of the distinguished honor conferred on me by the generous partiality of the House.

To preside over the deliberations of this House was a proud and perilous elevation. Admonished by a distrust of my own capacity to discharge the various duties attached to the station, I would have gladly declined the hazardous experiment; but the partiality of my friends ordered it otherwise. Duty and gratitude to them called upon me for every sacrifice and every exertion on my part to meet their calculation. The station was new to me. I could only bring to the discharge of its duties that portion of common sense allowed me by Providence, and an ardent zeal for the prosperity and honor of my country.

I could not, I did not expect to enjoy the rare felicity of pleasing all concerned: to escape merited censure was all I dared to hope. I have been faithful and zealous in the discharge of my various, important and complicated duties. If I have on any occasion fallen below expectation, it has been my misfortune, not my fault. If I have been mistaken in deciding any point of order, during the session, the generous partiality of the House has sustained me even in error.

Cold indeed must be the heart that could forbear to express the most grateful sense of kindness and confidence like this.

Permit me, gentlemen, to indulge the hope, (although more could have been done by others,) yet that the trust now returned to the hands that generously gave it, is unimpaired in its purity, and untarnished in the feeble hands to which it was committed. With a feeling which I cannot repress, but you can pardon, I bid you a warm and cordial adieu.

The House then adjourned *sine die*.

WILLIAM KELLY,

Speaker of the House of Representatives.

Attest,

T. B. TUNSTALL, *Clerk of the House of Representatives.*